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PUBLIC LEGAL EDUCATION AND INFORMATION

REVIEW

Prepared for

Communications and Education Branch
Ministry of Attorney General

Prepared by Rick Craig
Law Courts Education Society

October 1993

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LEGAL RESOURCE CENTRE
LEGAL SERVICES SOCIETY

DISCLAIMED

Law Courts Education Society of British Columbia
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October 30, 1995

Mary Sandilog,
Executive Director,
Communications and Education Branch,
Ministry of the Attorney General,
6 - 815 Government St.,
Victoria, B.C.,
V8W 1W6

Re: Ministry of Attorney General Public Legal Education Review

Dear Mary,

Attached is my review of the Ministry of Attorney General public legal education services. The Ministry is engaged in a wide variety of public legal education and information programs and has much to be proud of. As per your request, I have tried to provide a concise summary of the activities of the Ministry. Clearly, a full description of the work of any one of a number of Ministry branches would require a document of equal or greater size than this review.

I would like to suggest that copies of this review be provided to all review participants who were directly interviewed by me and who are still part of the Ministry. A major focus of the review was an examination of the Ministry's PLEI programs and activities and the development of recommendations for both the Ministry and the PLEI Unit of the Communications and Education Branch. Logically, the next step would be to share this with review interviewees in order to solicit their feedback and support for the framework proposed in the review.

The Ministry is a major player in the delivery of public legal education services to British Columbians. Clarity on its mandate combined with assistance to coordinate and evaluate its programming in this area should ensure that all British Columbians continue to receive the highest quality public legal education services.

I look forward to hearing any comments which you may on the review.

Yours sincerely,

Rob Craig,
Executive Director.

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PART ONE: INTRODUCTION

The Ministry's Role

The Ministry of Attorney General plays a key role in the research, development, funding and delivery of public legal education and information (PLEI) services to British Columbians.

Many individuals are not aware of the scope of the ministry's involvement in PLEI. However, each year millions of dollars is directed into ministry programs and to organizations engaged in PLEI programming, helping to create some of the most developed and sophisticated PLEI programming in Canada. By contrast, the federal Department of Justice funding for PLEI services in British Columbia is less than 10% of the provincial ministry's total.

The Ministry of Attorney General also appoints board members to two of the major PLEI service delivery organizations — the Legal Services Society and the Law Courts Education Society — and to the Law Foundation of B.C, which is the second largest source of funds for PLEI services in the province (see Appendix C).

In addition, a large number of ministry staff from a number of program and services divisions are involved in a variety of PLEI-related activities in communities throughout B.C.

The 1990 Peat Marwick Review

In recent years, numerous initiatives, many developed in response to the 1988 *Access to Justice* report, have both extended the work of the Ministry of Attorney General in delivering community justice services and broadened the range of PLEI programming in B.C.

As a result, the ministry commissioned its first review of the province's PLEI programming in 1990.

That review, conducted by Peat Marwick Stevenson and Kellogg, examined the ministry as one of seven major PLEI players in the province, including: the Canadian Bar Association (B.C. Branch); the Law Foundation; the Law Society of B.C.; the Public Legal Education Society of B.C.; the Law Courts Education Society; and the Legal Services Society.

The Peat Marwick review found that "while the ministry does not have a statutory mandate to either deliver or fund PLE initiatives, it has an implied obligation in its mandate to ensure that the public understands its laws. As such, the ministry has three goals:

- to provide information about ministry services to the public;
- to educate people about the court process; and
- to make the law more accessible to the public.

"The mandate of the Attorney General is more inferred than direct; it stems from its obligation to ensure that the public understands the law."

The review also found that "there were differing opinions as to the nature of the ministry's mandate amongst ministry branches and personnel. This lack of clear objectives is reflected in a general lack of clarity about what the ministry is and should be doing in the PLE field," and concluded that there was little in the way of coordination between the different PLEI players throughout the ministry.

This Review

In the spring of 1992, as part of the re-organization of the Management Services Branch, the responsibility for coordinating all public legal education and information within the ministry was given to the Communications and Public Affairs Division (now called the Communications and Education Branch).

In early 1993, Rick Craig, Executive Director of the Law Courts Education Society, was asked to conduct a review of the ministry's PLEI programming to help develop a mandate for the Communications and Education Branch in this area.

The majority of this review involved meetings with the ministry's Assistant Deputy Ministers and/or their designates to determine:

- what PLEI activities/programs are being delivered or funded by their branches/agencies;
- what policies have been developed to guide that PLEI work;
- what coordination of the development and delivery of PLEI services exists within and between the branches, other ministries, the federal government and outside agencies;
- what PLEI services could/or should each respective branch be active in; and
- the role of Communications and Education Branch in assisting either branches or the ministry as a whole in the development, delivery and coordination of PLEI services.

Stephen Whipp, former Director of Arctic PLEI and now a PLEI consultant in B.C., provided important assistance in all stages of this review and especially in conceptualizing issues to be examined and the definition of terms.

Jacqueline Nelson of Policy and Legislation Services Division assisted in the identification of Ministry policy issues and community relationships.

Roy Dungey and Susan Dahlin of Community Services Division provided considerable assistance in defining issues involved in ministry PLEI-funded relationships.

PART TWO: BACKGROUND

Defining PLEI

There is no single definition of PLEI. Rather, PLEI is a term loosely used to describe any activities intended to inform or educate individuals, specific groups or the general public about the law, legal procedures and our legal system.

This definition can be made a little more precise, however, by describing PLEI activities as those designed to provide people not trained in the law with opportunities to obtain information about the law and the justice system in a form that is timely and appropriate to their needs.

The Rationale for PLEI Programming

PLEI programs presume that the interests of society are best served by an informed citizenry, able to interact with the justice system in a manner which best protects their individual and group rights.

It further presumes that the justice system works best with an informed public which is able to understand and interact with the Canadian justice system effectively as witnesses, accused, litigants, advocates, or interested citizens.

PLEI activities are often referred to in two categories:

- *Legal Literacy Programming*, based on the assumption that people need a basic level of legal knowledge in order to be able to define their legal needs and to access the justice system competently.

  This is assumed to be a basic requirement of responsible citizenship and fundamental to the protection of rights in our society. The justice system also needs legally literate citizens in order to maintain public confidence and to operate effectively and fairly.

- *Legal Needs Programming*, based on the rationale that people need legal information and education programs and services in order to be able to exercise their legal rights and assume their legal obligations in meeting their specific legal needs.

  People need to be able to see their problems as having legal solutions and to take the steps necessary to prevent or resolve those problems. The justice system also needs PLEI programs and services in order to inform people about how to access the justice system and to assist them in using its services.

The PLEI World

In British Columbia, PLEI activities are extensive and built on years of program development. The major players include:

- *Ministry of Attorney General* — the largest funder of PLEI programming as well as a deliverer of direct and support services;

- *Ministry of Education* — promotes school-based PLEI (law-related education) through Law 12, Social Studies 11, Consumer Education and support for intermediate grade programs;

- *Law Foundation* — legislatively required to direct funds to legal education, legal aid, law reform, legal research and law libraries — provided over $1.1 million for PLEI programming in 1992;

- *Legal Services Society* — legislatively required to carry out PLEI — currently carries out schools program, library services program, community PLEI grants program and PLE delivered by Legal Services Society offices;

- *Public Legal Education Society* — an independent PLEI society that develops and delivers PLEI programming through free law classes in English and minority languages, booklets, videos and public service announcements, Justice Theatre and children's summer law program;

- *Law Courts Education Society* — an independent PLEI society that acts as the education arm of the courts and the justice system; develops and delivers PLEI programming through organizing court watching, meetings with justice system personnel, multicultural and native law camps, careers education, curriculum and settlement agency PLEI partnership services;

- *Canadian Bar Association (B.C. Branch)* — promotes the interests of the legal profession, advocates law reform and provides legal services to the public through the Dial a Law Service, sponsors the annual Law Week activities, the B.C. Mentor program and Speaker's Bureau;

- *Law Society* — acts as the governing body for the legal profession and works to inform the public about the law; sponsored the now discontinued Legal Wise Television show, produces "Legal Tips" and an annual Media Workshop, makes PLEI recommendations through special task forces on such issues as gender equality;

- *Universities* — provide law-related education training for teachers, curriculum, and undertake some PLEI research; and

- *Federal Department of Justice* — supports the work of the national Association of PLE agencies (PLEAC), provides some PLEI service funding through the Access to Legal Information Fund (ALIF), conducts and funds PLEI research.

PLEI services are also delivered by a variety of agencies with justice service mandates, including: Victim Assistance organizations; First Nation Band Offices; the Native Courtworker Association; the Elizabeth Fry Foundation; the Human Rights Commission; many agencies funded by the Law Foundation (Appendix C); and other cultural, consumer and/or community justice service associations that deliver PLEI activities as either part or an extension of their mandates.

A number of federal departments including Employment and Immigration Canada, Indian and Northern Affairs, Secretary of State and the new Cultural Development and Heritage Programs fund the development and delivery of specific PLEI services for newcomers or aboriginal people for example, or specific PLEI activities, such as PLEI research.

Ministry of Attorney General and the Department of Justice

Ministry staff have developed and maintained a number of positive PLEI relationships with the federal Department of Justice.

The ministry has been involved in the allocation and co-management of the Access to Legal Information Fund, established a close working relationship with the department's Research Division and co-funded several PLEI research initiatives.

National PLEI Policy Consultation

These formal relationships have resulted in close AG/Department of Justice interaction in many areas of national PLEI discussions. The ministry is currently involved in the department's national PLEI policy consultation process.

This process has identified the role of governments in PLEI as a major issue. According to the consultation, "there is agreement among governments, many legal practitioners, and organizations that produce public legal education and information (PLEI) that the public has the right to timely and accessible information about Federal and Provincial Laws and the Legal system."

In attempting to establish respective government roles, the consultation is asking participants:

- What should each government's role be in producing PLEI materials?
- Should governments play central roles in research, coordination or another activity?
- What should be the priority in allocating any new government funding for PLEI?
- What are your views on the portion of PLEI costs that should be borne by federal and provincial governments, law foundations and the private sector?
- What do you believe should be the role of the federal Department of Justice?
- What range of activities do you believe constitutes an appropriate role for governments - federal, provincial and local?

Involvement in this national consultation process, as well as the information and issues identified as part of this review, has provided the ministry an important opportunity to begin identifying, defining and managing PLEI programming and services.

PART THREE: REVIEW FINDINGS

An understanding of PLEI players, funding relationships and mandates are important factors in reviewing and assessing the ministry's role in PLEI. As part of this review process, information was gathered and exchanged with participants through a number of processes.

The Interview/Questionnaire Process

During interviews with ministry and branch representatives, discussion of the definition and purpose of public legal education and information programming preceded completion of a questionnaire. These steps ensured that all branches and agencies had an understanding of the scope of the review and their respective PLEI activities. As well, it enabled all participants to respond to the same set of questions on PLEI.

The questionnaire (Appendix B) consisted of 25 questions in six categories:

- *General* — opinions of PLEI services now being delivered in B.C.;
- *PLEI Direct Services* — activities or programs now being delivered by ministry staff, either strictly by the ministry alone or in partnership with other agencies;
- *PLEI Funding* — of both sole-purpose PLEI agencies and those which develop and deliver some PLEI as an extension of their core service mandates;
- *PLEI Coordination* — including ministry, inter-ministry and inter-governmental committees, and relationships with PLEI agencies;
- *PLEI Policies* — guiding the design, implementation and evaluation of PLEI activities and programs, and recommendations for future policy development; and
- *Other* — issues or activities that should be considered as part of the development of a strong ministry PLEI service.

General Comments

The first question asked for opinions on the delivery of current ministry PLEI services. The level and diversity of experience within the ministry generated a wide variety of responses, including:

- it is not always clear what PLEI means;
- the responsibility for PLEI programming is all over the place;
- ministry PLEI programming is ad hoc and fragmented;
- there are gaps in service delivery;
- it is not clear that PLEI provides value for money;

- PLEI programming is not carefully evaluated;
- PLEI programs are impressive and clearly becoming more sophisticated; and
- PLEI programming is evolving now to include aboriginal and multicultural communities and this is important.

These responses illustrate the fact that the scope of ministry PLEI services are not clearly understood, nor is the role that the ministry plays in the delivery of PLEI services to British Columbians.

PLEI Services

The review found a considerable amount of ministry PLEI activity in three primary areas:

- ***Direct Services*** — formally programmed and controlled by ministry staff;
- ***Partnership Services*** — involving ministry staff but co-owned or managed with outside agencies through core funding, direct grants, contracts and/or special project funding; and
- ***Support Services*** — ministry staff support, such as legal or justice system resources, for agencies conducting PLEI programming.

Direct Services

PLEI direct services programming takes place across the ministry. From the interviews conducted as part of this review, participants identified several areas, programs and/or services which they considered to fall under the broad definitions of PLEI. Some examples include:

- Corrections Curriculum Package — a reactive education program where Corrections Branch staff respond to community requests for presentations on the corrections system;
- Moderation Posters — a public information program where moderation posters are placed in Liquor Distribution Branch outlets to encourage moderate consumption;
- Courts Literature Distribution — a reactive Court Services Branch information program providing information materials through court racks in B.C. courthouses and Chilcotin Nation Band Offices;
- Consumer Education Solicitor — a proposed consumer education service of the Legal Services Branch for identified target audiences; and
- Criminal Gang Program — partly a pro-active public education and information program operated by the Community Justice Branch, focused primarily on preventing youth from being involved in criminal and youth gang activity.

Partnership Services

Court Services Branch is involved in delivering co-owned PLEI services through the:

- Courtwatching Program — a formal partnership with the Law Courts Education Society to provide public courtwatching and orientation sessions;
- Law Courts Open Houses — a formal partnership involving the Canadian Bar Association (B.C. Branch), several PLEI organizations and others organize educational open houses every year; and
- Native Justice Programming — a formal partnership with Law Courts Education Society to organize native justice education workshops in Court Services regions.

Support Services

Many ministry staff participate in PLEI activities organized by agencies outside of the ministry. For example:

- Probation Officers and other Corrections staff participate in a variety of community organized events including Law Day Open Houses, Law Camps, Careers education and community seminars;
- Crown Counsel participate in Law Day Open Houses, law camps and community seminars; and
- Legal Services Branch has provided consumer law educational services upon request to schools, community organizations and public legal education organizations such as the Legal Services Society and the Public Legal Education Society.

PLEI Funding

A review of existing funding and expenditure levels suggests that ministry funding for PLEI activities is between $3 million and $10 million annually.

Part of the reason for this large variance is the number and diversity of programs and funding relationships with PLEI agencies, including statutory funding, sole purpose funding, core service related funding, co-management and special project funding.

Statutory Funding

The Legal Services Society is an independent agency created under the *Legal Services Society Act* with a statutory mandate to deliver public legal services, education, advice and information about the law for the people of B.C.

The Community Justice Branch is responsible for the annual funding submission of the Legal Services Society.

The society's budget for 1992-93 from government was approximately $85 million ($18 million in federal funding and $67 million in provincial funding). Additional funds were received from the Law Foundation of B.C. and other funders.

Because the society is independent of government, the fulfilment of its statutory requirements is the sole responsibility of the society. The ministry is not directly involved in determining the society's PLEI budget or service delivery priorities.

In past years, the Legal Services Society has devoted over $1.5 million to communications and PLEI programs. Currently, the government appoints half of the society's Board of Directors while the Law Society appoints the other half. The structure of the society's board is currently under review.

Sole Purpose Funding

Two sole purpose PLEI agencies receive core funding from the Ministry of Attorney General:

- The Community Justice Branch, through the Community Services Division, provides close to $90,000 of funding annually ($56,000 core, $18,500 justice issues, $15,000 ALIT match) to the Public Legal Education Society of B.C. (the People's Law School).

  The society is independent of government and has a Board of Directors of nine people elected annually by the society's membership. The society has an annual contract with Community Services Division for part of its core budget and presents an annual report to the Community Services Division. The society has also received special project funding from other parts of the ministry to undertake specific initiatives.

- Court Services Branch provides approximately $225,000 in core funding to the Law Courts Education Society. The branch also provides educational facilities and some support services for the society in the different court regions.

  To a great extent, Law Courts Education Society acts as an educational arm of the Courts. The society has a Board of Directors with three appointees from the ministry, three from the Judiciary, one from the Canadian Bar Association (B.C. Branch) and three community representatives from schools, multicultural and aboriginal communities.

  The society has an annual contract with Court Services Branch and provides an annual PLEI program plan and quarterly evaluation reports to Court Services Branch. The society also receives special project funding from other parts of the ministry to undertake specific initiatives.

Core Service Related Funding

The ministry funds a number of community agencies to deliver specific justice system services. Many of these agencies are involved in community PLEI related to their core service mandates. The ministry has not formally identified or coordinated information on which agencies are delivering PLEI programming with ministry funds.

- The Community Justice Branch — through its Community Services Division provides funding in excess of $12 million to approximately 70 ongoing grants and contracts.

Funded agencies include Sexual Assault Centres, Specialized Victims Services, the Aliant Indian Metis Society, the B.C. Association of Specialized Victim Assistance Programs, the B.C. Brain Association, the Canadian Cancer Society, the Elizabeth Fry Society, the Society for the Reform of Criminal Law, the John Howard Society, WAVAC (Canada Volunteers), the Native Counselling and Counselling Association, and the Salvation Army Counselling Society.

Twelve of these core grant/contracts are to agencies where the ministry approves funding applications and receives evaluations and financial reports. Many of these agencies undertake some form of PLEI with a written ministry assistance. At present, there is no inventory of these agencies' related PLEI services.

- The Corrections Branch provides funding in excess of $22 million to over 400 program contractors. Of these, 15 program contractors receive funding in excess of $100,000 per year.

  Contractors include the Elizabeth Fry Society, Reidel Holdings Ltd., Salvation Society, Coastal Community Services, Salvation Army, John Howard Society, Pacific Legal Education Association, W. J. Schmaltz & Associates Ltd., Lehr-Dreher & Associates Enterprises, Gust and Donna Smith, the Way Adventure Foundation, Surrey Community Services Association, Caribou Action Training Society, St. Leonard's Youth and Family Services Society, Focus Foundation of B.C., Interior Youth and Family Services, Metropolitan Vancouver Community Services.

  The branch also provides more than $250,000 funding to Victim Reconciliation Programs. In addition, over $600,000 in funding is provided for the delivery of 12 assaultive men's treatment or offender treatment programs which are managed at the local level.

  Many of these agencies undertake some form of PLEI with a written ministry assistance. At present, there is no inventory of these agencies' related PLEI services.

Co-Management Funding

The ministry is involved in several co-management relationships with contracted agencies. In most instances, the ministry undertakes more management support than is provided to other contracted agencies.

Several ministry branches, including the Victim Police Services Branch, Corporate and Community Programs, and Criminal Justice Branch, are involved in the funding and management of Victim Services. In each case, the branch is directly involved in the establishment of qualifications and standards for service delivery and in the development and delivery of training programs for the staff of these contracted agencies.

- Community Services Division provides over $1.2 million to approximately 60 Victim Assistance Programs, Specialized Aboriginal Justice Services and Sexual Assault Centres.

Police Service provides over 1.4 million in community in-police-based victim assistance organizations and over 4.2 thousand in Police Officers Victim/Witness Organizations.

Police-based and Specialized Units have also been known to refer victims to the Victims Service Division of the Community Justice Branch.

Additional funding is provided to the Native Sexual Assault Centre of Vancouver and to Rape Relief to help strengthen services.

As with other areas of victims' funding, no operational definition or monitoring of VS-23 related services has been given to date.

- The Community Services Division of the Community Justice Branch sets the service delivery standards and operational policies for the Family Maintenance Enforcement Program (FMEP). The regional service is delivered by eighteen centres connected to the Community Services Division under the Director of Maintenance Enforcement.

  The division and FMEP have developed a family maintenance awareness educational program. One of the goals is to complement a victim fine surcharge program which is administered as a direct service, similar to Crown Counsel, as a court service victim program of FMEP to young victims investigations.

PS-22 Coordination

Interdepartmental Coordination

Given the lack of a defined PS-22 mandate for the ministry, it is understandable that there are no formal PS-22 coordination mechanisms within the ministry.

However, coordination does occur informally with within the ministry and between ministries around specific program elements such as the Family Court Data Committee, Family Justice Service Committee, Inter-ministry Committee on Criminal Charge Work, Youth Court Work, Inter-ministry Committee on Aboriginal Justice and the Violence Against Women Task Force.

In many cases, PS-22 initiatives are developed out of these coordinated inter and intra-ministry initiatives. However, there are no policies or procedures in place that coordinate with the design, implementation or evaluation of PS-22 activities conducted in these initiatives.

Ministry – PS-22 Community Coordination

Ministry staff have participated in numerous PS-22 coordination activities with outside agencies, including the:

- PS-22 Provider Group, comprising representatives of the Law Foundation, Province of Ontario, Vancouver Foundation, Metropolitan Toronto and Community Council, Ontario Foundation, Rape Relief Foundation, the Legal Services Society and the Ministry of Women Equality, which meets three times a year to discuss PS-22 funding issues and activities.

- PLEI Committee of the Canadian Bar, comprising representatives of the CBA, Legal Services Society, Law Foundation, Public Legal Education Society, Law Courts Education Society, Law Society, and the Ministry of Attorney General, which meets three or four times per year to discuss PLEI issues and activities;

- Law Related Education Committee, comprising representatives of Simon Fraser University, the University of B.C., the Social Studies Teachers Provincial Specialist Association of the B.C.T.F., the Legal Services Society, the Law Courts Education Society, LEAF, Human Rights Commission and the Ministry of Attorney General, which meets periodically to discuss legal education in the schools; and

- Ministry staff also play important roles in special PLEI committees established to discuss Multicultural Program Services and PLEI Research, and have been actively involved in the Public Legal Education Association of Canada (PLEAC). PLEAC is the national umbrella organization for PLEI service deliverers and many PLEI funders.

PLEI Policies

There are no formal PLEI policies in place within the Ministry of Attorney General. However, ministry briefing notes, the goals and objectives of specific initiatives, and terms of contracts for PLEI services can serve as a foundation for new policy development on service delivery, funding, standards, evaluation and coordination.

The 1990 Peat Marwick review of public legal education made a number of policy recommendations directed at the ministry as a major PLEI deliverer and funder, including recommendations for the ministry to:

- clarify its mandate in the area of PLEI;

- become more proactive in identifying the need for PLEI services;

- place increased emphasis on the evaluation of its own PLEI services and become more involved in the evaluation of PLEI services that it funds;

- work to support both the coordination of PLEI services and PLEI funders in the province;

- participate in an examination of PLEI small grants funding procedures;

- participate in the development of technical standards for PLEI materials and increase emphasis on pre and post testing of PLEI materials; and

- work with the Ministry of Education to clarify the roles and responsibilities of the two ministries and the roles and responsibilities that the ministries want to have assumed by funded agencies. This was also a recommendation of the 1988 *Access to Justice* report.

No coordinated effort was taken by the ministry to develop specific policies in response to the 1990 PLEI review, however two policy briefing notes were developed in an effort to begin clarifying some ministry PLEI issues.

The first dealt with funding: relations with external agencies; clarified the use of code 20, 80 and 82 funding by the Policy and Program Services Division for PLEI purposes; accountability; core funding vs. project funding; ministry-funded agency relationships; and evaluation.

The second provided a number of recommendations regarding the management of PLEI, including: different components of the ministry should take the lead on PLEI, depending upon the issue; ongoing core funding should be managed by the division or the branch with the relevant mandate; a corporate policy should be developed to guide ministry PLEI funding decisions; and a responsibility centre for liaison with PLEI agencies and determining PLEI priorities should be established.

It appears that the issues identified by both papers were never formalized into ministry or branch policy. However, both briefing notes provide useful background for the development of ministry policies in the areas of PLEI funding and ministry management of PLEI programming.

Training

The issue of the relationship of PLEI activities to ministry and justice system personnel training was raised several times during the review process.

Currently, the ministry is involved in several types of training (some connected to PLEI activities and services) which fall into four types:

- *Ministry Staff Training Programs* — are the programs operated by the branches and agencies of the ministry to ensure that staff receive the specific technical skills training required to perform their jobs and deliver ministry services.

  Primarily, this is done in two ways: through the Courts, Corrections and Police Academies of the Justice Institute which are funded to develop and deliver specific programs, and through the numerous workplace-based training activities of each branch and agency.

- *Staff Cultural Sensitization Training (Diversity Education)* — created in response to aboriginal justice and multicultural service needs throughout the ministry. This specialized "community bridging" staff training is growing in importance for government. In some cases, it has been implemented as special short term programming by a branch.

  Court Services has recently expanded its cultural sensitization for Court Managers to include the Chinese and Indo-Canadian Communities, and have formalized a partnership in this area with the Law Courts Education Society.

  Generally, these activities are viewed as an opportunity to also educate the aboriginal and specific ethnic communities about the justice system - becoming PLEI-related community education activities. In some cases, they also extend to be PLEI community training activities.

- *Agency Staff Training* — where the ministry is involved in the development and delivery of training to the agencies it funds as with the Victim Assistance Program.

To date, this has been accomplished by funding a curriculum produced by the Justice Institute and the organization of training seminars by contracted staff (or, more recently, by a ministry staff person specifically hired for this purpose). Training activities are aimed at providing specific service skills for funded agency staff or volunteers engaged in public user or client services.

Many of the funded agencies also deliver general public legal education as an extension of their direct service delivery. Any training related to this area is PLEI-related training.

- ***PLEI Training Activities*** — where ministry staff provide support for the delivery of PLEI training activities.

Frequently, ministry staff participate in professional development sessions for teachers organized by Legal Services Society, Law Courts Education Society, Public Legal Education Society and B.C.'s universities. Ministry staff also participate when requested in training sessions for legal secretaries, lawyers, immigrant settlement workers and others. Often, this involves visits to Courts, Corrections, police and other facilities.

PART FOUR: DEVELOPING A FRAMEWORK

Ministry Issues

Mandate

The Ministry of Attorney General, with a staff of approximately 8,000 people, is the single largest legal and justice system resource in the province. Over the years, ministry PLEI initiatives have grown to cover millions of dollars and involve thousands of hours of ministry staff time per annum.

This growth has occurred out of practical necessity, but without the development of a clear ministry mandate in the area of PLEI. Given the complexity of ministry activities and the fact that the ministry is only one of the many PLEI players in B.C., it is important that a clear ministry mandate be developed and formally adopted.

Relationship to Ministry of Education

In the past, ministry personnel have participated in the development and review of PLEI materials used by other ministries, most notably the Ministry of Education. The *Access to Justice* report acknowledged the importance of this relationship by identifying schools and general public education as a high priority.

Considerable ministry funding goes towards PLEI programming directed at B.C. schools. Currently, ministry funding is helping to support activities aimed at Law 12, Social Studies 11, Consumer Education 10 and 12, intermediate programming, some English as Second Language Programming and some French language programming.

Given the ministry's past participation in curriculum development activities for Law 12 students and the fact that tens of thousands of students are involved, the ministry should consider formalizing the relationship between the two ministries to coordinate legal education in the schools.

This issue was a specific recommendation of the 1990 PLEI review. The ministry may also want to explore similar relationships with other provincial ministries involved in the delivery of public education programming with legal content.

Coordination and Evaluation

It is important for the ministry to establish policies and/or procedures regarding the development, coordination and evaluation of ministry PLEI services. These are distinct functions which involve substantial dollars and staff time, and should have a more formal presence in the ministry.

This will assist the ministry's branches, as well as the community agencies it deals with, on how best to deliver direct PLEI services as part of the ministry's corporate agenda. The clarification of funding guidelines and evaluation policies will also enable the ministry to be more decisive about what services it should provide and what services are best developed and/or delivered by the various PLEI agencies, community agencies and other levels of government.

Operational Definitions

Public Legal Education vs. Public Legal Information

Ministry PLEI services may be further defined by distinguishing those services which are educational programs from those which are informational programs, depending on the nature of service delivery.

Public Legal Education — refers to systematic programming activities and programs designed to involve individuals and defined target groups in learning about the law and the justice system. PLE is generally pro-active and currently includes:

law-related education in the schools

organized courtwatching and simulations

free law classes

law day open houses

legal education conferences

law camps, and

print, audio and video materials designed to support the above

Public Legal Information — refers to those types of activities or programs providing the general public and selected target groups with information they may need or want to know about the law and justice system.
PLI is generally reactive and currently includes:

literature rack program

Legal Services Society library program

stand-alone information booklets, brochures, pamphlets

corporate program brochures or information leaflets, and

the Law Line and Dial-a-Law

Both types of programs can be used to provide either public legal literacy or public legal needs programming.

A Broad Approach to PLEI Programming

An important issue identified during the review is whether the ministry education programs which are designed to promote attitudinal change, fall within the general area of PLEI programming. Some initiatives include:

- the proposed family maintenance education campaign focused on changing public attitudes but this time towards family maintenance responsibilities and expectations;

- Crime Prevention programming, designed to assist community members to better protect their neighbourhoods and personal possessions from theft or vandalism; and

- Criminal Gang programs aimed at youth education to prevent involvement in criminal gang activities.

Operationally, they are all educational programs of a ministry with a combined legal/public safety mandate. For this reason, a broad definition of ministry PLEI programs will enable the ministry to work towards similar standards in programming and policy development, where possible.

PLEI Programming vs. Public User Services

Another issue identified during the review interviews concerned the demarcation line between PLEI and initiatives such as the ministry's small claims programs, which are user-friendly and provide plain language instructions to people interested in pursuing their own small claims matters.

Clarity on the parameters of ministry PLEI programming is critical to the establishment of a ministry PLEI service.

Some definitions of PLEI would see all ministry services to the public as PLEI programming. That is not the approach of this review. Operationally, it makes sense to separate the PLEI work of the ministry from what could be called ministry "public user services" — that is the majority of public work now being carried out by the branches and Client Services Unit of the Communications and Education Branch.

Ministry PLEI services should be aimed at supporting the development and delivery of legal literacy and legal needs programming for the general public, either as individuals or members of specific target groups.

PART FIVE: THE MAKEUP OF PLEI SERVICES

Communications and Education Responsibilities

Programming delivered by the ministry and aimed at specific clients such as identified target audiences, stakeholders and/or the general public as part of a direct public user service falls within the corporate communications of the ministry.

For example, general program pamphlets on the Victim Assistance Program or the Family Maintenance Enforcement Program which are aimed at the public in order to inform them about the direct services provided by the ministry are part of the corporate communications strategies of the respective branches or agencies.

Broader educational or informational programming aimed at assisting the general public in understanding the operation of a particular part of the legal system, their rights, the law or specific legal procedures fall within the realm of PLEI programming.

The identification and delivery of both types of services will have operational implications for how the Communications and Education Branch delivers PLIE programming.

Seven Components of PLEI Services

Building on existing services and expertise of the Communications and Education Branch Client Services Unit, as well as the experience of the other ministry branches involved in PLEI, seven components should be available from a ministry PLEI Unit.

The following seven components would cover the range of general PLEI services and provide a framework for ministry PLEI programming.

Internal PLEI Programming — in four primary areas:

> *Coordinating information* by providing a place where files on projects, programs and resources could be maintained for central access to what is going on in ministry PLEI programs.
>
> *Participating in PLEI development activities*, which would include assisting other branches and programs in the design, development and implementation of PLEI programming; can also extend to supporting the development of the resources necessary to implement ministry-based PLEI services.
>
> *Coordinating PLEI support activities*, such as research or inter-branch activities around specific projects, or the support of government personnel for activities of outside agencies in delivering public legal education and information.
>
> *Developing ministry policies*, short- and long-term objectives and evaluation; the PLEI section could develop plans for ministry-wide objectives in certain areas of public legal education on a long-term or multi-year basis. A possible ministry-wide objective of this type is the family maintenance education campaign now under discussion. This is an opportunity for long-term, ministry-wide and government-wide support for changing attitudes so that maintenance is no longer a questionable or optional thing but something that is expected of all adults in our society when they separate and there are children involved.

Resource and Support Services — involving the PLEI Unit acting as a resource to the Community Services Division, Courts Services or other branches of the ministry which are involved in funding agencies to deliver programs which are either sole purpose PLEI programs, or have PLEI components.

This component could be broken down into four primary areas:

Providing a central resource centre, a repository for information on the types of materials and the services that are being developed and delivered.

Providing administrative support to the funders of PLEI programs, including the development of policies regarding acceptable standards of service or materials provided by funded agencies, and information and assistance to these agencies in order to ensure that they meet those standards. This support might also include promoting the coordination between funded agencies and rationalization of service delivery and conducting PLEI evaluations of funded agencies to ministry funders.

Providing program development and implementation expertise to co-management funded relationships to assist in the development, implementation and evaluation of systematic PLEI services.

Participating in the formalization and monitoring of training to both existing staff supported and ministry funded PLEI training activities to ensure that the PLEI programming delivered is current and accurate.

Support for Sole Purpose PLEI Agencies

Serving as a support centre for the coordination of networking activities between the major PLEI players.

Assisting in the consolidation of experiences of the various agencies so that when new initiatives are being planned by government, the appropriate PLEI agencies are consulted on conceptualization and implementation issues.

Committees and Task Forces — where the PLEI Unit would assist both inter-ministerial and internal committees and task forces by:

Providing a coordination/information centre for PLEI activities and resources being developed.

Assisting in the design and implementation of PLEI initiatives identified by committees and task forces, where resources permit.

Relationships With Other Ministries — in two areas:

Acting as a coordination centre to take stock of and track what PLEI-related activities are being funded and delivered by other ministries.

Serving as the official ministry representative to other ministries in the area of PLEI programming (i.e., with the Ministry of Education regarding high school law programming).

Relationships With Federal Agencies — where the PLEI Unit serves as the ministry's representative to the federal departments involved in PLEI issues, policy development, program development, and coordination. This would ensure the establishment of formal relationships and ongoing networking with such federal players as the Department of Justice.

PLEI Project Consultants — where the PLEI Unit serves as a resource for identifying qualified and able PLEI contract consultants to assist both funded agencies and ministry personnel working on internal and inter-ministerial projects and programs.

PART SIX: RECOMMENDATIONS

A Ministry Definition of PLEI

It is recommended that the ministry define public legal education and information services as all forms of ministry delivered and/or funded educational or informational programming which are aimed at the general public to assist them to understand:

- their legal rights and responsibilities
- the law
- the operation of a particular part of the legal system
- specific legal procedures
- crime prevention
- public safety

Ministry PLEI Mission Statement

It is recommended that the ministry adopt a mission statement in the area of Public Legal Education and Information services.

This mission statement should include:

- recognition of the importance of PLEI services for all British Columbians;
- recognition that the ministry has the major responsibility at the provincial level for PLEI services;
- commitment to the development and delivery of quality PLEI services for all British Columbians;
- commitment to the delivery of PLEI services through a co-operative PLEI network involving the Ministry of Attorney General, other provincial ministries, PLEI and community justice/legal service organizations; and
- commitment to the development and delivery of timely and appropriate PLEI services for all communities of British Columbia.

Proposed Ministry PLEI Mission Statement

> The Ministry of Attorney General recognizes it is fundamental that all British Columbians have access to public education and information services that help them understand the law, their legal system and their legal freedoms, rights and responsibilities.

The ministry also believes that the justice system works best with informed members of the public who are able to understand and interact with the Canadian justice system effectively as witnesses, litigants, accused, advocates, or interested citizens, and have confidence that their justice system operates effectively and fairly.

The ministry will be responsible at the provincial level for ensuring that appropriate and timely public legal education services are available for all British Columbians.

The ministry fulfills this responsibility by encouraging the broadest possible cooperation in delivering PLEI services through a PLEI network involving the Ministry of Attorney General, other provincial ministries, PLEI and community justice/legal service organizations.

The PLEI Unit Mandate

It is recommended that the Communications and Education Branch's Public Legal Education and Information Unit adopt a distinct mandate for PLEI services, and that the new PLEI Unit be given the overall ministry responsibility to:

- coordinate the development, implementation and evaluation of ministry-wide PLEI policies and activities;
- act as the ministry coordination and information collection centre for all ministry-delivered or funded PLEI services;
- oversee the administration of all future PLEI services involving multi-branch/agency collaboration; and
- consult and develop evaluation measures and standards for ministry and ministry-PLEI funded materials, services and programs.

PLEI Unit Priorities

It is recommended that the new PLEI Unit have two initial priorities: to establish a PLEI coordination service; and to develop ministry policies in the area of PLEI services.

The amount of work involved in formalizing the ministry's PLEI function could be extensive and could require numerous staff.

Given the current period of restraint, it would be prudent to start slowly and limit services to concentrate on the consolidation of the most essential ministry-wide PLEI objectives while meeting necessary, ongoing networking commitments.

Assuming a basic PLEI service of one manager and one support staff, initial services could include:

- ***Internal PLEI Programming*** — including the coordination of information, setting ministry objectives, evaluation and assistance with new programming;

- ***Resource and Support Services*** — including the coordination of information on PLEI programming offered by funded agencies and assistance with setting standards;
- ***Support for Sole Purpose PLEI Agencies*** — including networking, information sharing and PLEI research;
- ***Relationships with Other Ministries*** — including work with Ministry of Education on law-related education;
- ***Relationships with Federal Agencies*** — including networking and coordination of work on joint policy/program/research initiatives.

Cross-Agency PLEI Programming and Coordination

It is recommended that all PLEI services currently delivered or funded by ministry branches and agencies continue to be administered by those branches and agencies, and that each branch and agency involved in the delivery and/or funding of PLEI services appoint a Public Legal Education and Information Coordinator.

Ministry PLEI Co-ordinating Committee

It is recommended that the ministry establish a Public Legal Education and Information Coordinating Committee and that this committee be chaired by the Manager of the Public Legal Education Unit.

Appendix A:

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Appendix B

Date _____ Branch _____

Representative(s) _____

****

PLEI QUESTIONNAIRE

GENERAL

1. What are your impressions of the way that PLEI services are being delivered to British Columbians?

PLEI DIRECT SERVICES

2) Does your Branch staff deliver any PLEI services?

3) Does your Branch provide any PLEI related support services such as PLEI research or staff resources for PLEI programs or activities managed by other agencies?

4) What problems have you encountered in either developing or delivering PLEI services in the past?

5) Is there someone (or several persons) who are responsible for the development, and the co-ordination, of PLEI related services supported by your Branch.

6) Are there any PLEI programs or components to existing other programs which your Branch would like to develop, funds permitting?

7) Would it be useful if a Ministry PLEI service could assist you in the design and implementation of any PLEI related activities in your Branch?

8) Would you be prepared to second staff with particular expertise (i.e. specific program development expertise, research, etc.) to work with the Ministry PLEI service to work on Ministry PLEI intiatives?

PLEI FUNDING

9) Does your Branch fund any sole-purpose PLEI organizations?

10) Does your Branch fund any organizations who develop PLEI informational materials and services as part of their mandate?

11) If your Branch funds outside agencies to conduct PLEI programs or activities, what criteria do you use to make your funding decisions?

12) Do you presently have the resources to evaluate the PLEI services being delivered with your support?

13) What problems have you encountered in funding the development or delivery of PLEI services in the past?

14) If you fund PLEI programs or programs with PLEI components, would it be useful to have a PLEI service monitor and assist funded agencies to ensure that agreed upon standards of service are developed and maintained?

15) Is there any other role that you can see for a Ministry PLEI service to assist your work in funding PLEI services?

16) In your opinion, are there any areas where a Ministry PLEI service should assume responsibility for funding PLEI services?

PLEI CO-ORDINATION

17) Is your Branch part of any Ministry committees working on programs or projects with PLEI components?

18) Is your Branch part of any Inter-Ministry committees which have or may have PLEI components?

19) Are people in your Branch aware of the sole purpose PLEI agencies which exist and other agencies which conduct major PLEI programs as part of their delivery of their respective core services?

LEGAL RESOURCE CENTRE
LEGAL SERVICES SOCIETY

20) Would it be useful if a Ministry PLEI service was to co-ordinate PLEI related activities within the Ministry?

21) Would it be useful if a Ministry PLEI service was to co-ordinate PLEI related activities between the Ministry and other Provincial Ministries?

22) Would it be useful if a Ministry PLEI service was to co-ordinate PLEI related activities between the Ministry and Federal counterparts such as the Ministry of Justice?

PLEI POLICIES

23) Does your Branch have any policies in place regarding the design, implementation and evaluation of PLEI programs and/or materials?

24) Are there any general policy areas which should be worked on to enhance the ability of your Branch and the Ministry to develop, deliver or fund PLEI services?

OTHER

25) Are there any other issues or activities that should be handled by this review as part of the development of a strong Ministry PLEI service?

Appendix B

PLEI QUESTIONNAIRE

GENERAL

1. What are your impressions of the way that PLEI services are being delivered to British Columbians?

PLEI DIRECT SERVICES

2) Does your Branch staff deliver any PLEI services?
3) Does your Branch provide any PLEI related support services such as PLEI research or staff resources for PLEI programs or activities managed by other agencies?
4) What problems have you encountered in either developing or delivering PLEI services in the past?
5) Is there someone (or several persons) who are responsible for the development, and the co-ordination, of PLEI related services supported by your Branch.
6) Are there any PLEI programs or components to existing other programs which your Branch would like to develop, funds permitting?
7) Would it be useful if a Ministry PLEI service could assist you in the design and implementation of any PLEI related activities in your Branch?
8) Would you be prepared to second staff with particular expertise (i.e. specific program development expertise, research, etc.) to work with the Ministry PLEI service to work on Ministry PLEI intiatives?

PLEI FUNDING

9) Does your Branch fund any sole-purpose PLEI organizations?
10) Does your Branch fund any organizations who develop PLEI informational materials and services as part of their mandate?
11) if your Branch funds outside agencies to conduct PLEI programs or activities, what criteria do you use to make your funding decisions?
12) Do you presently have the resources to evaluate the PLEI services being delivered with your support?
13) What problems have you encountered in funding the development or delivery of PLEI services in the past?
14) If you fund PLEI programs or programs with PLEI components, would it be useful to have a PLEI service monitor and assist funded agencies to ensure that agreed upon standards of service are developed and maintained?
15) Is there any other role that you can see for a Ministry PLEI service to assist your work in funding PLEI services?
16) In your opinion, are there any areas where a Ministry PLEI service should assume responsibility for funding PLEI services?

PLEI CO-ORDINATION

17) Is your Branch part of any Ministry committees working on programs or projects with PLEI components?
18) Is your Branch part of any Inter-Ministry committees which have or may have PLEI components?
19) Are people in your Branch aware of the sole purpose PLEI agencies which exist and other agencies which conduct major PLEI programs as part of their delivery of their respective core services?
20) Would it be useful if a Ministry PLEI service was to co-ordinate PLEI related activities within the Ministry?
21) Would it be useful if a Ministry PLEI service was to co-ordinate PLEI related activities between the Ministry and other Provincial Ministries?
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23) Does your Branch have any policies in place regarding the design, implementation and evaluation of PLEI programs and/or materials?
24) Are there any general policy areas which should be worked on to enhance the ability of your Branch and the Ministry to develop, deliver or fund PLEI services?

OTHER

25) Are there any other issues or activities that should be handled by this review as part of the development of a strong Ministry PLEI service?

Appendix C

LAW FOUNDATION

1992 Public Legal Education Grants

B.C. Branch, Canadian Bar Association
Support for Law Week public legal education activities around B.C. $9,500

Funding support for Dial-a-Law, a province-wide telephone services which provides free legal information to the public $156,110

End Legislated Poverty
To produce a provincial newsletter on poverty law issues and to organize monthly meetings of advocates working on poverty law issues.

Canadian Mental Health Association (B.C. Division) $26,704
Support for a community consultation in 10 B.C. communities to receive input on proposed reforms to the Mental Health Act.

Debate and Speech Association of B.C. $17,000
Continued support for high school students to participate in the province-wide Law Foundation Cup Debates on legal topics.

Federated Anti-Poverty Groups of B.C. $32,500
Sponsorship of 36 workshops in communities around B.C. on welfare law and other legal issues affecting low income people.

Japanese Community Volunteer's Association $6,500
Funding for the production of legal information pamphlets, booklets, and workshops in both Japanese and English.

Lay Advocacy Training $56,600
Grants to develop and sponsor an education and training program for Lay advocates providing legal assistance with the support of Law Foundation grants.

Nanaimo Women's Resources Society $4,500
Support for legal information workshops for disadvantaged women in the Comox Valley

North Island Women's Services Society $1,450
Support for a Legal Information Project for disadvantage women in the comox Valley

Organizing Committee for Lesbian and Gay Rights $21,500

Conference/Pacific Foundation for the Advancement of Minority Equality
Support for a national lesbian and gay rights conference held in Vancouver.

Plain Language Institute of B.C. $250,000
The final year of a three year grant to support an initiative to promote the use of plain language in government, business and the legal community.

Public Legal Education Society $291,000
The third year of a three year grant for the "People's Law School" to present law courses and legal materials to more than 20,000 members of the public in 67 communities throughout B.C.

Public Service Ads $76,000
Placement of public service ads in Yellow Page directories to inform the public about legal aid services, free legal information, and how to find a lawyer.

Quets Publishing Ltd. $1,500
A grant to assist in the production of "Decisis" and "the Advocate", newsletter on current issues for teachers of Canadian law.

UVic Institute for Dispute Resolution $25,000
Support for a legal research and education project focusing on the causes of multicultural conflicts in British Columbia and the development of alternate dispute resolution approaches to their settlement.

Whistler Centre for Business and the Arts $90,000
A three-year grant to develop and deliver practical training for B.C. communities on consensus-based, multi-party negotiation as a means to resolve land use and resource conflicts, as an alternative to litigation.

Women and Work Research and Education Society $3,700
To reprint a booklet on how to file workers' compensation claims for repetitive strain injuries.

APPENDIX D
REVIEW INTERVIEWS

During January and February, Rob Craig conducted 14 interviews involving 19 Ministry representatives to solicit feedback on the questionnaire.

1) January 11 Roy Burgess, Director, Community Programs Division, Management Services Branch
2) January 12 Brian Neal, Deputy Attorney General
3) January 12 Dennis Kerr, Executive Director, Corporate and Community Programs Division, Management Services Branch
4) January 14 Jim Graham, Assistant Deputy Minister, Corrections Branch
Steve Howell, Program Analyst, Management Services Division, Corrections Branch
5) January 14 Rick McCandless, A/Executive Director, Policy and Resource Analysis Branch, Management Services Branch
6) January 20 Bill Sewell, Assistant Deputy Attorney General, Criminal Justice Branch
7) January 20 Dave Rumsey, Assistant Deputy Minister, Motor Vehicle Branch
Peter Whelan, Director, Planning and Corporate Development Division, Motor Vehicle Branch
Jaime Schmidt, Director of Traffic and Safety Programs Department, Motor Vehicle Branch
8) January 21 Sandra Evans, A/Director, Court Management Services, Court Services Branch
Virginia Day, A/Director Program and Project Implementation, Court Services Branch
9) February 1 Charlie Ruddick, Executive Director, Purchasing, Communications and Policy Department, Liquor Distribution Branch
Leslie Woods, Manager of Communications Department, Liquor Distribution Branch
10) February 8 Susanne Dahm, A/Program Analyst, Community Programs Division, Management Services Branch
11) February 9 Judy Wayne, Deputy General Manager, Special Operations, Liquor Control and Licensing Branch
12) March 3 Wendy Taylor, Criminal Gangs Program Director, Community Services Division, Management Services Branch
13) March 28 Norm Brown, Program Manager, Community Auxiliary Police Programs, Police Services Branch
14) March 31 Wally Audley, Policy Analyst (Victim Assistance), Police Services Branch.

Bob Clegg conducted an additional meeting or conversation with Bob Mowatt and Bob Whitaker personal or business specific issues of concern to his group.

1) January 7 — Vic Curtis, Chief, Public Law and Issues in Justice Research Section, Department of Justice
2) January 21 — Greg Sutherson, Program Manager, RLEI Section, Department of Justice
3) February 4 — Pat Ryan, Dean, Interdisciplinary Studies Department, Justice Institute of B.C.
4) February 10 — Christine McKnight, a/Associate Director, Communications and Education Branch
Claudia Smith, Communications Manager, Communications and Education Branch
5) March 3 — Jane McGilligan, Executive Director, Law Foundation of B.C.
6) March 18 — Claude Edwards, Communications Manager, Courts Branch
7) April 1 — Gordon Hardy, Executive Director, Public Legal Education Society of B.C.
8) April 7 — Catherine Coutts - a/Program Analyst, Corrections Branch
9) April 9 — Wayne Peterson, a/Executive Director, Corporate Planning Branch
10) April 9 — Dave Errington, a/Executive Director, Community Justice Branch

APPENDIX C

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- Multivariate Analysis Technical Note

Executive Summary

- Justice Canada commissioned COMPAS to conduct a survey among Canadians to explore their attitudes and behaviour with respect to legal information and assistance. A total of 1,502 interviews were completed by phone at the end of March. Based on a sample of this size, the national results could be considered to be accurate to within +/- 2.6%, 19 times out of 20 (most conservative estimate).

Contextual information

- Participants identified youth crime (17%) and tougher sentencing (11%) as the most important justice-related issues facing Canadians at this time. Also cited with some frequency were unfair treatment or perceptions of judicial prejudice (6%), the cost of the justice system (5%), and a lack of confidence in the system (5%).

- When asked to identify the most important justice-related issue facing them or their family at this time, 74% did not identify any issues (61% said there were no issues, while 13% did not provide a response). Small numbers (3% or less) identified youth crime, family law issues, human rights issues, native rights and discrimination.

- Canadians differ in their perceived knowledge of the justice system in Canada. That said, most see themselves as not very well informed in this area. Using a 7-point scale (1 = not knowledgeable at all; 7 = very knowledgeable), 72% offered middling scores (i.e. scores of 3-5), suggesting limited knowledge of the system. Relatively few (9%) consider themselves to be well informed about our laws and courts, while almost one-in-five view themselves as poorly informed (scores of 1-2) in this area.

- Confidence in the justice system also varies considerably. Using a similar 7-point scale, participants were asked to rate their level of confidence and trust in the justice system in Canada (1= no confidence at all, 7 = a great deal of confidence). While nearly half (46%) expressed confidence in the system (i.e. positive scores on the scale), they were much more likely to express moderate, not strong confidence. Almost one-third (32%) expressed a lack of confidence in the system, offering scores below the scale's mid-point. The remainder, 22%, were right in the middle.

Past Behaviour and Information Needs

- Just over half (52%) said they have never needed legal information or assistance for any reason, while 48% said they have. Among those who have needed legal

information or assistance, over half (57%) needed both. The rest were more likely to require information (27%) than assistance (16%).

- Participants who required legal assistance most often needed help with real estate transactions (22%) or separation, divorce or custody issues (21%). Similar numbers needed advice or counselling (20%) or representation in court (17%), while many also required assistance making a will (12%).

- Participants who required legal information most often needed information in the same two main areas: related to real estate transactions and separation, divorce, or custody issues (20% each). A significant number (17%) simply needed general information.

- 71% rated the legal information they received as useful (7-point scale: 1 = not useful at all; 7 = very useful), with over half (54%) describing it as very useful (scores of 6-7). At the other end of the spectrum, almost one-in-five (18%) rated the information as not very useful to them (offering scores below the scale's mid-point).

- By a wide margin, lawyers were the most common source of legal information or assistance. Two-thirds (67%) of those who needed legal information/assistance said they went to a lawyer to get it. This was followed, at a distance, by 16% who visited a legal aid office, many of whom likely also dealt with a lawyer for their needs. All other sources of information or assistance were identified by small numbers.

- Slightly more than three-quarters (77%) said they received all of the information or assistance they needed, while an additional 13% received part of what they needed. Ten percent did not receive what they needed.

- 75% of participants who have not previously needed legal information or assistance for themselves or their families said they knew where to go if they needed it. Conversely, 23% did not. Those who said they would know where to go for legal information or assistance were asked to specify where. Their responses mirrored those given by participants who had previously sought legal information/assistance. Almost three-quarters (72%) would go to a lawyer. This was followed, at a distance, by the Internet (13%), a legal aid office (11%), a friend or family member (10%), the Government of Canada (7%), and police or a police station (6%) (multiple responses accepted).

- All survey participants were asked whether they have ever needed legal information or assistance for any of the following situations for themselves or their families. Participants' personal experiences varied widely by subject area:

  - ✓ 53% needed information or assistance with a real estate transaction.
  - ✓ 38% required it for making a will.
  - ✓ 24% for a separation, divorce, child support or custody issues.
  - ✓ 14% for a criminal case of any type.
  - ✓ 11% for going to court for a civil case, such as collecting a debt or for an employment matter.
  - ✓ 7% for victims' rights.
  - ✓ 6% for family or domestic violence.
  - ✓ 5% for human rights issues.

  One-quarter have not needed assistance or information for any of these.

Awareness and Interest in PLEI

- 76% said they were not aware of any organizations in their community that provide legal information and education (PLEI) to the public. Conversely, almost one-quarter (23%) said they were aware of such organizations. Among the latter, the types of organizations identified most often were legal aid clinics (28%) and community agencies (20%). Also identified with some frequency (7-10%) were schools/school boards, legal or law societies, municipal government, libraries, and police or police stations.

- 66% of people who claimed to be aware of organizations in their community that provide PLEI have never personally received this type of information or service. Conversely, one-third said they have.

- 82% of those who have received information or assistance from a PLEI provider in their community expressed satisfaction with the information or assistance received (7-point scale: 1 = very dissatisfied; 7 = very satisfied). Over half (59%) expressed *strong* satisfaction. Most of the rest were neutral, not negative.

- All participants were asked how interested they were in legal information to help them better understand how laws affect them and their families, and to help them deal effectively with the justice system in Canada. In response, over half (59%) expressed some measure of interest in PLEI, with 36% expressing strong interest. However, exactly one-quarter exhibited a clear lack of interest (i.e. scores below the neutral point), while a further 15% were neutral, also suggesting a lack of interest.

Information Needs

- When asked in an open-ended fashion what types of legal issues were most relevant to themselves and their family, either now or in the foreseeable future, participants tended to identify issues related to the domestic realm (i.e. the household). These included real estate (18%), making a will (16%), and family law (11%). All other issues were identified by 7% or less.

- Participants were asked to use a 7-point scale (1 = not useful at all; 7 = very useful) to assess the relevance to them or their family of different types of information, either now or in the foreseeable future. Not surprisingly, perceived usefulness varied by type of information:

  - ✓ 62% attributed relevance to employment law.
  - ✓ 60% to human rights and related issues.
  - ✓ 54% to victims' rights.
  - ✓ 51% to youth justice and sentencing issues.
  - ✓ 47% to family law issues, such as separation, divorce, child support and custody issues.
  - ✓ 46% to alternatives to courts, such as mediation or alternative dispute resolution.
  - ✓ 44% to alternative sentencing options, such as community service.
  - ✓ 42% to family or domestic violence.

- The Internet (33%) and lawyers (28%) were the two sources identified most often when participants were asked where they would prefer to obtain relevant legal information. These were followed at a distance by community agencies or centres (11%), libraries and books (10%), municipal governments (9%), and court buildings (7%).

- Asked to rate various locations in terms of their usefulness as places to obtain information to help them better understand the justice system and how law affects them (7-point scale: 1 = not a useful location at all; 7 = very useful location), participants offered the following assessments:

  - ✓ 83% attributed usefulness to agencies that serve new immigrants to Canada (asked to new Canadians only).
  - ✓ 79% to native friendship centres, bank councils or other Aboriginal groups (asked to Aboriginal Canadians only).
  - ✓ 63% to government organizations and offices.

- ✓ 60% to youth groups or organizations (asked to youth only).
- ✓ 57% to legal aid clinics (asked only in Ontario and BC).
- ✓ 57% to community agencies or centres.
- ✓ 53% to schools and school boards.
- ✓ 53% to women's organizations and shelters (asked to women only)
- ✓ 51% to community radio or TV.
- ✓ 36% to community events, such as fairs or exhibits.
- ✓ 30% to non-governmental organizations, such as the Elizabeth Fry Society or the John Howard Society.
- ✓ 29% to church groups.

Related Attitudes

- The vast majority of participants (90%) think it is important that governments in Canada provide information to help people understand how laws affect them and enable them to participate effectively in the justice system (using 7-point scale: 1 = not important at all; 7 = very important). Moreover, 77% rated this as *very* important (i.e. scores of 6-7), with 59% offering the highest score possible.

- Despite widespread perceptions of the importance of PLEI, participants were divided when assessing government performance in this area. Using a similar 7-point scale, only one-third felt that governments in Canada are doing a good job in this area. At the other end of the spectrum, 38% provided negative assessments. One-quarter were neutral, while an additional 5% did not offer any assessment.

- Asked to use a 7-point scale to rate their understanding of the justice system in Canada, including how laws affect them, most offered scores in the middle of the range – 72% provided ratings of 3-5. Relatively few (13%) felt their level of knowledge was very good (scores of 6-7) or very poor (14% provides scores of 1-2).

- A majority of participants agreed with various statements about the justice system (7-point scale: 1 = strongly disagree; 7 = strongly agree), although the level of agreement varied

  - ✓ 84% agreed that in order to be responsible citizens, people need to understand how laws affect them and to be able to participate effectively in the justice system.
  - ✓ 79% that providing legal information and education can improve access to justice for those who traditionally have been at a disadvantage when dealing with the justice system, such as low-income Canadians, new immigrants, Aboriginal people or people with disabilities.

- ✓ 76% that informing Canadians about the laws that affect them strengthens public confidence and trust in the justice system.
- ✓ 66% that the justice system works well for people with money or education, but does not work very well for disadvantaged people.
- ✓ 60% that here is a high level of public distrust of the justice system in Canada.

Communications and Information Preferences

- Participants were asked to identify the form in which they would prefer to obtain public legal information so that it is most useful to them. People identified a range of different forms. However, two dominated – almost half (46%) prefer to obtain such information as print material or brochures, followed by just over one-third (37%) who identified the Internet or electronic information (multiple responses accepted). Also identified with some frequency were video/audio-visual material (16%) and personal contact (14%).

- Following this, participants were read a list of ways in which legal information and education could be provided to the public and were asked to rate the effectiveness of each method for themselves personally (7-point scale: 1 = not effective at all; 7 = very effective). A majority of participants viewed each of these methods as effective, but the size of the majority varied:

  - ✓ 81% attributed effectiveness to 1-800 help-lines, which people could call to obtain information about our laws and justice system.
  - ✓ 78% to the creation of libraries or resource centres to provide free access to legal information in different cities.
  - ✓ 78% to education programs in schools.
  - ✓ 76% to electronic information through the Internet.
  - ✓ 69% to print material, such as brochures.
  - ✓ 60% to seminars or workshops in their community targeted to specific groups, such as new Canadians or Aboriginal Canadians.
  - ✓ 58% to audio-visual materials, such as videos or audio tapes.
  - ✓ 58% to seminars or workshops in their community on specific legal issues.

- Participants were asked what the Government of Canada could do to improve the level of understanding that people have about the justice system in Canada, including how laws affect them. While people offered a variety of suggestions, the ideas provided tended to be general rather than specific. The suggestion offered most often was simply providing more information (27%). Following this, in declining order of frequency, were better education (13%), use of television (11%), easier

access to resources (10%), simplifying the laws (9%), and offering seminars or lectures (6%).

Demographic Variations

- Aboriginal Canadians were more likely than others to need legal information or assistance, and to use legal aid offices to get it (and less likely to use lawyers). They expressed less confidence in the justice system, and routinely expressed higher levels of interest in the various types and sources of legal information, as well as the different potential methods to provide PLEI. Aboriginal Canadians also tended to be more aware of PLEI organizations in their community and to use them, and expressed more interest in legal information to better understand how laws affect them and their families.

- Differences in the views of new Canadians (people who have lived in Canada for five years or less) versus those of others were generally not pronounced. There were essentially no differences in the types of legal issues that were most relevant to respondents or their families. New Canadians were only slightly less likely to view themselves as knowledgeable about the justice system in Canada, and were more apt to express confidence and trust in the Canadian justice system. New Canadians were less apt to say they needed legal information/assistance with any of the specific areas explored in the survey, especially making a will, separation, divorce or custody issues, and a criminal case of any type. And new Canadians were more likely to rank as very useful information about employment law, alternative sentencing options, and human rights and related issues.

- Low-income Canadians ($30,000 or less) were less likely to have needed legal information or assistance in the past. When in need, they were more likely to go to a legal aid office and less likely to use a lawyer. Low-income respondents were less likely to express satisfaction with the information/ assistance received, whether PLEI or otherwise. They expressed greater interest in legal information to better understand how laws affect them and their families. They were more apt to view all legal issues as relevant to them and their families, to attribute greater levels of usefulness to the various PLEI sources, and to view as effective the various methods of receiving PLEI.

- The youngest cohort (16-24 years old) was less likely than other age groups to need legal information or assistance and less likely to go to a lawyer to get it. They expressed more confidence in the justice system, and were more likely to rate as useful schools/school boards (and less likely to view NGOs and community agencies/centres as useful). They were more apt to rate education programs in schools as an effective method of providing PLEI. Youth were the least aware of

PLEI organizations in their community, but were proportionately more likely to have received information from such organizations.

- Men were slightly more likely to have needed legal information or assistance in the past. To varying degrees, women were more likely to have required it for separation, divorce or custody issues, making a will, and with real estate transactions. Men were more apt to need legal representation in court and general advice or counseling. Men and women expressed similar levels of awareness of PLEI providers in their communities. Women were slightly more apt to have used PLEI (no difference in satisfaction levels), and to express greater interest in it. Women were more likely to view the various types and sources of PLEI as very useful, and to rate as very effective the different methods in which it can be provided.

- Respondents with university education tended to express higher levels of confidence in the justice system. They also expressed higher levels of awareness of organizations that provide PLEI and were more satisfied with the information or service received. They were more likely to express strong interest in legal information to better understand how the laws affect them and their families. They were more likely to view their understanding of the justice system as very good, and were less apt to view the various methods of providing PLEI as useful. Respondents with high school education were less apt to have received PLEI, were more likely to view all types of legal information as useful, and were more likely to view schools and school boards as a useful source of legal information.

- Quebecers were less likely to have needed legal information or assistance in the past. They also tended to attribute greater usefulness to the various sources of information about the justice system. Residents of Quebec and BC expressed more interest in legal information to better understand how laws affect them and their families. They were also more likely to view the various types of legal information as very useful. residents of Quebec and the Prairies expressed less confidence in the justice system. BC residents were more aware of organizations that provide PLEI and were more likely to use them.

Multivariate Analysis

- Numerous multivariate analyses were performed to better understand the needs, orientations and perceptions of Canadians with respect to PLEI. Models that focus on the organizational and media/format delivery of PLEI are much more powerful than models explaining more general perspectives on PLEI. What this means is that

Canadians appear to have fairly structured systems or frameworks for viewing and thinking about PLE delivery. Their assessments of the details of information required are well embedded in a variety of demographic and experiential drivers. More general opinions, interests and evaluations concerning PLE are not so distinctly embedded in drivers that affect personal characteristics and experience.

- When we look at the performance of specific drivers across the models, there are some striking considerations. Some of the most noteworthy ones are:
  - In every first model, gender has a significant impact. Women consistently show more interest in PLE, attribute more importance to PLE, have more positive evaluations of government performance regarding PLE, and have higher acceptance of a variety of PLE delivery organizations and media. So, it appears that women may be well served by existing activities in the area, but probably have an appetite for additional PLE activity.
  - In all but one of the models, there was a negative income effect. Higher income people tend to place less value on PLE, and to have lower evaluations of and to not favor a wide variety of organizations and media forms for PLE delivery. This may be related to two issues, in which high income people are not interested in expanding the delivery of services because they may ultimately have indirect to pressure motivations. At the other end of the spectrum, it may well be that lower income people are more concerned with finding alternative sources of information outside of conventional face-to-service legal services arrangements.
  - The doubles are associated with three negative effects. They stand out as a segment of the population that has a low evaluation of government PLE performance, and low evaluations of the usefulness of a variety of delivery organizations and media. This is clearly one group that may need further consideration to determine modes of delivery and information dispersal that would be more applicable to them. Other groups, such as new Canadians and visible minorities, are less likely to have significant effects but, when they do, they tend to indicate a positive disposition towards PLE and towards its delivery through conventional mechanisms. Aboriginal people on somewhat counter to this pattern, but not as strongly as the doubles.
  - Interestingly, past use of legal information/assistance tends to have a negative, albeit not dominant, influence in most models. The exception to this seems to be previous use of information/assistance in the area of human rights. There are various possible interpretations. It may mean that people who have had experience with basic face-to-service legal services were generally satisfied and don't have elaborate needs beyond that. It may also suggest that more positive orientations toward PLE rely on an interest in some of the more active and hybrid areas of the law. It might also indicate a basic skepticism about PLE

providing more quality than that associated with earlier, negative legal experiences.

- Unfortunately, a range of future needs for information in various areas of law, as opposed to past use, tend to have positive influences in most models. This may mean that current and future needs might be defined more separately than past range of legal assistance/information would suggest. It may mean that there are segments of the population with an interest in legal policy issues above and beyond the ones connected with basic property and debts connections.
- Not surprisingly, indicators of interest in PLEI and self-evaluations of knowledge about the justice system are often negatively related to income.
- Finally, it should be noted that age did not have a significant impact in any of the models. It is fairly certain that age is not one of the more important drivers of PLEI perceptions, evaluations and delivery preferences.

Conclusions and Implications

The findings point to a population that is largely "unaware" in public issues, in both a personal level and in their role as citizens or members of society. Not only are almost three quarters of survey respondents unable or unwilling to identify any justice issues of importance to them at their family stage of life now, one third do not identify any issues of importance to Canadians as a whole. As well, the issues that were identified tend to reflect the substance and tone of public media coverage that appears with some regularity in newspapers – youth crime, the need for tougher sentencing, and perceptions of unfair treatment of one or the courts, which is related to lack of confidence in and trust in the justice system.

In terms of understanding – knowledge of the justice system in Canada, the respondents do fairly well informed. Most Canadians have some knowledge of the justice system, including how laws affect them and their family, as mentioned in the

When asked that the surveyed population have needed legal information or assistance in the past most of whom were in need of help). The assistance has tended to focus on "domestic" issues, such as real estate transactions, making a will or family law issues (divorce, separation, custody, etc.). Relatively few have needed legal support in other areas. In short, the breadth of scope of the legal requirement has tended to be relatively narrow for most people.

In terms of who they turn to when in need of legal support, the vast majority go to lawyers, followed by a reliance on legal aid offices and lawyers. The same is true for people who have not yet needed legal assistance (i.e. most would go to lawyers or

legal aid). And when people do use lawyers, most are largely satisfied with what they receive, and get all or almost all of what they need.

In essence, people almost exclusively link the need for legal information and/or assistance with the traditional gatekeepers of the justice system – lawyers. This suggests the need to expand people's perspective or horizon in terms of how they view the justice system in Canada. Otherwise, most will simply not look for or consider other organizations that provide legal information, such as PLEI providers, since these are not even on their 'radar screen'.

When the focus is directly on PLEI – sources, types, and formats or media – we find low awareness and mixed levels of interest. Less than a quarter were aware of organizations in their community that provide PLEI (and the organization that tops the list is, again, legal aid clinics), and fewer have received information or service from a PLEI provider – only 8% of the full sample, many of whom received PLEI from a legal aid office. Other than community agencies in general, no other organizations were identified with any frequency (schools were cited, but mostly by youth).

Interest in PLEI, including sources, types and formats, varies considerably across the different demographic groups. As such, some of the most useful, actionable information in this survey lies in the subgroup and multivariate analyses. These provide guidance in terms of who is interested in what, from whom, and in what form.

The findings indicate that organizations that service specific groups, such as new Canadians, Aboriginal Canadians, youth or women, generally rate higher among the target populations they serve than other potential PLEI providers. Despite this, the multivariate analysis indicates that the target populations still view as useful some of the more "generic" types of organizations. That said, funneling PLEI through audience-specific organizations does appear to be an effective method to get PLEI to those who need it. Some potential providers rate poorly in terms of perceived utility, including church groups, NGOs and community events.

In terms of the potential subject areas for PLEI information, interest levels varied considerably. While the same was true for the methods or formats that could be used to distribute PLEI, each of these was rated positively by 60% or more. Clearly, all of the delivery methods appealed to Canadians. Heading the list was 1-800 help lines. This suggests a desire for customized information that suits people's specific needs or circumstances, something that could be obtained, at least in some measure, through real-time access to a person who could answer questions and direct people to resources best suited to their needs. There was also strong interest in the creation of

library resource centres, education programs in school, and electronic information through the Internet. The use of audio-video aids was also suggested.

While Canadians attribute a significant degree of importance to the provision of PLEI (virtually a consensus), most offer moderate-to-poor grades to governments in Canada for their performance in this area. Given people's limited awareness and knowledge of PLEI-related issues, one suspects that such assessments are not well grounded, but are rather based on perceptions of a population, including themselves, that is not well informed about the laws in Canada, including how they affect them/their families, or issues related to accessing the justice system.

From the attitudinal measures included in the survey, it is clear that people make a link between the availability/provision of PLEI and the accessibility of the justice system to Canadians, including disadvantaged Canadians. They also draw a link between an informed public and increased confidence and trust in the system. With respect to the latter, it was evident from the data that the population is quite divided in terms of their level of confidence in the justice system (although most are somewhere in the middle, expressing neither strong confidence nor distrust).

Taken together, the results paint a portrait of a Canadian population that does not tend to see justice issues as directly related to them or their family, other than for "domestic" matters, that tends to use traditional service providers (lawyers) for their legal needs when they arise, has low awareness and knowledge of PLEI, expresses mixed levels of interest in PLEI, attributes significant importance to it, and views PLEI as important in terms of facilitating access to the justice system, and perhaps even increasing confidence in it.

In terms of the detailed analyses that were performed on the data, these suggest that special analytical attention probably needs to be devoted to groups such as the disabled in order to determine what special or unique needs they have in the area of legal information/service delivery. The consistently lower PLEI orientation of men also deserves further reflection and may provide a potential growth area if properly understood. In addition, the income effect could bear further exploration in order to determine if it is essentially a reflection of tax apprehension. Finally, it may be of some use to consider if those who are particularly positively oriented towards PLEI are primarily interested in the more policy-oriented areas of law rather than the day-to-day transaction aspects of law and legal services. If this is the case, it could either suggest a way of clarifying the mission of PLEI agencies, or it could suggest ways of expanding the focus of such activities to include more common and established legal information needs.

Looking at the responses of different segments of the population, we see that women, visible minorities and new Canadians are more likely than others to rate as useful the various delivery agencies. This does not mean that these groups would not want special agencies focused on them. However, it does mean that they would find a variety of conventional agencies, other than those specially focused on them, to be useful.

Alternatively, Aboriginals and disabled people tend to rate the usefulness of the delivery agencies lower than others. In the case of Aboriginals, this probably means that they would prefer agencies specifically focused on them. It is also likely that the disabled would prefer special delivery agencies for their group. In any case, these findings and interpretations make some sense in light of the special arrangements that have been made for natives in the justice system already and in terms of the geographic concentration of Aboriginal populations. Respecting the disabled, the whole question of access issues probably drives the results here.

Respecting demographic and socio-economic effects, we see a negative income effect – the higher the income, the less 'positive' the assessment of PLEI-related issues (e.g. sources, types, forms). As noted elsewhere, this may be related to tax apprehensions. An aspect of the socio-economic effects that is unexpected is that there is also a negative impact by level of education. This is not common in multivariate models. It may be that the more highly educated think that they can gain whatever information/service they need from distribution methods outside the realm of social or governmental agencies. They may be looking for modes of delivery that are not mediated by direct contact with organizations. For example, the highly literate and educated could probably make do with access to printed material and Internet access not connected to specific types of organizations.

Finally, we see an impact related to household size. The positive nature of this suggests that the higher the number of people in a household, the wider the variety of needs for information and the greater the general rating of usefulness for a variety of delivery organization types.

There is a general absence of age as an important factor in terms of attitudes related to PLEI. There do not appear to be continuous variations across generations in perceptions of the way PLEI should be delivered. There may be more discrete or "chunky" generational or differences, but there is no clear impact arising from the whole age spectrum, including a specific focus on youth.

Introduction

Justice Canada commissioned COMPAS to conduct a survey among Canadians to explore their attitudes and behaviour with respect to legal information and assistance.

Background and Objectives

Justice Canada currently undertakes a variety of public legal education and information activities in support of its mandate. This includes:

- Annual funding to one organization in each province to undertake public legal education and information (PLEI) activities in areas of priority for that province.
- Providing grants to a variety of PLEI organizations and other NGOs to undertake specific PLEI projects.
- Funding to organizations through special initiatives programs to provide PLEI information and services in support of the program initiative objective.

PLEI activities include printed material, workshops, face-to-face information exchange, school programs, and web-based information.

PLEI is aimed at:

- People working within the legal system (police, court workers, etc.) to help these professionals gain a better understanding of people's needs when accessing the justice system (e.g. accessibility needs for people with disabilities, victims needs, cultural diversity issues). (This audience is not included in this present research).
- The general public, with specific emphasis on those most in need (e.g. low-income, new immigrants/refugees, aboriginal people, other minority groups).

The purpose of this study is to provide Justice Canada with information on the public's views, understanding, need and desire for public legal information and education, their awareness of and views about PLEI programs across the country, and their opinions about the role of the government in providing Canadians with legal information and education.

Specifically, some of the issues that Justice Canada wanted to explore include:

- Is the public aware of PLEI programs in their communities?

- Do people know where to get PLEI information?
- How do people prefer to receive legal information, and from whom?
- What legal issues are most relevant to them, and what kind of information is most useful?
- What role, if any, do they see as appropriate for the federal government to play in relation to PLEI?

This included a focus on youth issues as they relate to PLEI programs, information and needs.

To date, Justice Canada has met with service providers to get their views on the needs, uses and gaps in PLEI programs across the country. There was broad consensus that, increasingly, there is a need for PLEI organizations to provide their clients with justice-related information and to help them access the justice system. Very little investigation, however, has been done with the direct users of the information – members of the public – with respect to their awareness of PLEI programs, their specific information needs or concerns, and their views about the role of the federal government in terms of providing or supporting the provision of legal information and education to the public.

For these reasons, Justice Canada wanted to undertake a national survey to address these issues. The results will be used to inform the Department's work on a "vision paper" that will include recommendations on the federal government's role in relation to PLEI, as well as how to strengthen the role of PLEI programs in Canada.

Research Design

To address the research objectives and information needs identified above, a survey of Canadians was undertaken by COMPAS. A total of 1,502 interviews were completed by phone at the end of March. Based on a sample of this size, the national results could be considered to be accurate to within +/- 2.6%, 19 times out of 20 (most conservative estimate).

The following specifications applied to this project:

- The survey averaged 21 minutes in length.
- Oversampling was undertaken to provide for 160-250 completed interviews with each of the following groups:
  - Youth (aged 16-24) (N= 278)
  - Aboriginal Canadians (N= 212)

- Recent immigrants (arrived in Canada within the past five years) (n= 161, 115 of whom have lived in Canada for three years or less).

To achieve this oversampling, targeted sample was used once random calling yielded approximately 1,000 completed interviews. Parents of youth 16-17 years of age were asked to provide consent before the youth would be interviewed.

- Regional quotas were used for the general sample to ensure that the results are proportionate to the Canadian population by region.
- The final data was weighted by region and age to maximize the extent to which the results are representative of the Canadian population as a whole.
- Only one version of the questionnaire was used. It was developed in close consultation with Justice Canada and addressed the issues identified above.
- Standard industry screening applied (i.e. media, market research, etc.).
- A pre-test was conducted in both official languages (15 in English, 15 in French).
- The calls were conducted during evenings and weekends, using VOXCO's "Interviewer" CATI technology.
- We conducted up to eight call-back attempts per sample record.
- All research activities were conducted according to CAMRO and PMRS standards (the industry and professional associations).
- The survey was registered with the Canadian Survey Research Council.
- Sponsorship of the study was not revealed (i.e. Justice Canada).

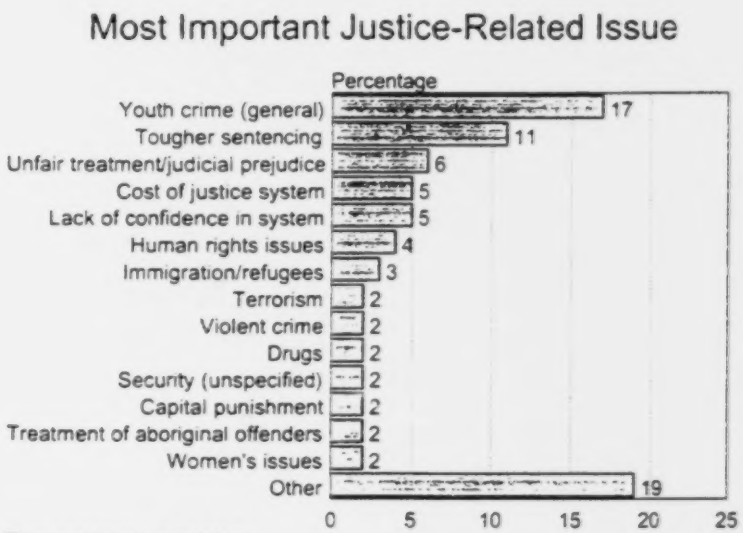
Appended to this report are copies of the questionnaire in both official languages, as well as the Multivariate Analysis Technical Note.

Contextual Information

In order to provide some context to the issues explored in this survey, participants were asked a number of background questions regarding justice-related issues and the justice system in Canada.

Youth Crime, Tougher Sentencing Top List of Justice Issues

Participants were asked to identify what they thought were the most important issues in the justice system, including our laws and courts, facing Canadians at this time. While a broad range of issues were identified, only two were cited with any real frequency. Heading the list was youth crime (17%), followed by tougher sentencing (11%) (two responses accepted). Also receiving attention were unfair treatment and perceptions of judicial prejudice (6%), the cost of the justice system (5%), and a lack of confidence in it (5%).

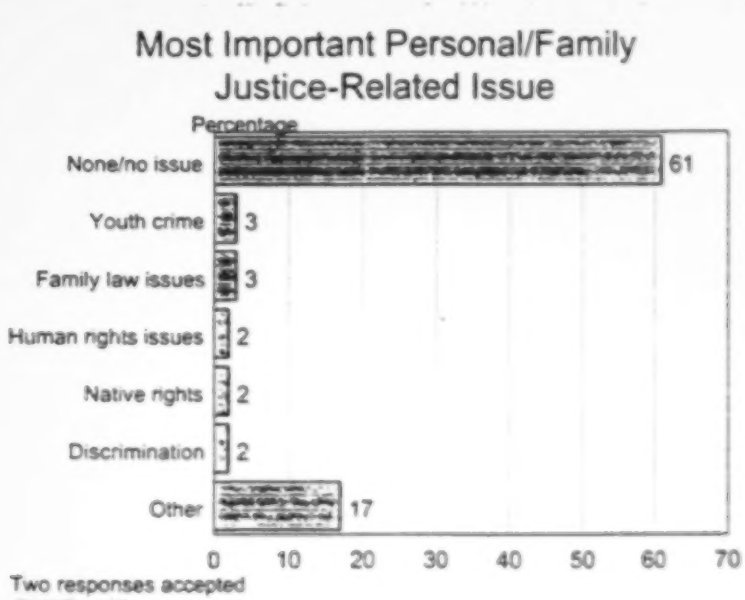


A host of issues were identified by small numbers (4% or less), including human rights issues, immigration and refugees, terrorism, violent crime, drugs, personal security in general, capital punishment, treatment of aboriginal offenders, and women's issues. Included in the 'other' category are perceptions of a rise in the crime rate, alternative sentencing options, the need for more police, a lack of information about the law, domestic violence, pornography, overcrowded prisons, drunk driving, access to legal aid, and gun control.

Note that one-third of participants (32%) did not provide an answer to this question.

Few Identify Legal Issues of Direct Relevance to Them & Their Families

Shifting the focus to a more personal level, participants were asked to identify the most important justice-related issue facing them or their families at this time. In response, nearly three-quarters did not identify any issues: 61% said there were no such issues facing them or their families, while a further 13% did not provide a response.



All issues were identified by small numbers. These included youth crime, family law issues, human rights issues, native rights, and discrimination. Included in the 'other' category are concern about family safety, concerns about theft or robbery, violent crime, spousal abuse, sex crimes, drugs, tax-related issues, gun laws, immigration issues, and the slowness of the judicial process.

APPENDIX D

Appendix D

The Canadian Civil Justice System and the Public

Lois Camden, June Ross, Allison McKinnon, and Diana Lowe*

Abstract:

Studies of the civil justice system in Canada have accepted the need for reform of the system and have concluded that the public should play a key role in reform efforts. A number of the most recent recommendations for reform emanating from the judiciary, the legal profession, and government are aimed at increasing the responsiveness of the system to the needs and expectations of the public. These recommendations call both to increase access to the civil justice system and to develop effective two-way communication between the courts and the public. In 1999, the Canadian Forum on Civil Justice initiated a research program to advance these important recommendations.

This paper outlines the major features of "The Civil Justice System and the Public," a four-year research program designed to study the state of communication between the civil justice system and the public and to develop practices to improve communication so that the public can become more involved in civil justice reform. Funded under an innovative Social Sciences and Humanities Research Council of Canada Community - University Research Alliance program, research directors from the Canadian Forum on Civil Justice and the University of Alberta are joined by partners from across Canada in academia, the judiciary, the legal profession, court administration, public legal education agencies, community organizations, and the public. While they share a common concern for improving the civil justice system, these partners have never worked together. The research alliance is multifaceted, multi-disciplinary, and comparative, with the potential to enhance mutual learning and to expand the body of knowledge and research in a context in which pressing social concerns for enhanced access underscore the increasing social and legal forces. The researchers will conclude the study by making concrete recommendations for improving communication between the civil justice system and the public and ultimately, improving access to civil justice. In doing so, they will also contribute to the advancement of research undertaken collaboratively by universities and communities.

Introduction

In 1999, a team of researchers at the University of Alberta in conjunction with the Canadian Forum on Civil Justice[1] began the process of developing a research

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[1] The Canadian Forum on Civil Justice is a national bilingual organization, incorporated under the *Canada Corporations Act* in May, 1998. The goal of the Forum is to bring together the public, the courts, the legal profession, and government to strive to ensure the civil justice is accessible, effective, fair, and efficient. There is no other organization in Canada with the mandate to collect and share information and conduct research for the purpose of promoting reform of the civil justice system. The Forum is uniquely positioned to bring together all of the interested partners for this unprecedented collaborative effort, to coordinate the research project, and to ensure that the research and program

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program to study the ways of communication between the Canadian civil justice system and the public. Funding from the University of Victoria, the Victoria Law Foundation, and most recently, the Social Sciences and Humanities Research Council of Canada has enabled the program to proceed. This research will not only explore an issue that is key to engaging the public in the reform of civil justice in this country, but will also pursue a new form of collaborative research between the community and the university. This paper introduces the research program and describes its emerging partnership arrangements.

Background

The civil justice system is fundamental to the peaceable resolution of disputes arising in Canadian society. Divorce and family issues, consumer claims ranging from house purchases to car leases, professional service complaints, concerns relating to government services or public entitlements, and the enforcement of rights, such as the right to equality and to privacy, are but a few of the many reasons to invoke the civil justice system.

Serious concerns have been raised from both inside and outside the civil justice system about public access to justice and about the ability of the system to speak, listen, and respond to the public. Cultural and linguistic minority communities, the poor, persons with disabilities, and women may be particularly disadvantaged in terms of access to and communication with the civil justice system.[1] Barriers to civil justice may be insurmountable for Aboriginal Canadians who have culturally distinct approaches to the resolution of disputes.[2] The limited or complete lack of access and understanding undermines public confidence in the civil justice system.

It is widely believed that a lack of public knowledge about the justice system, as well as complex laws and procedures and the high cost of legal representation, pose significant barriers to access to civil justice. These issues underlie many recent reports and initiatives advocating and implementing civil justice reforms. It is also

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objective as refined. The Forum was created in 1998 as the result of a recommendation of the Canadian Bar Association's *Systems of Civil Justice Task Force* which recognized the heritage facing our civil justice system and the need for an organization focused on improving the civil justice system. The Task Force recommended the creation of an independent organization to encourage participation from all groups involved in civil justice reform and to facilitate the exchange of information and experience in civil justice reform. The Canadian Forum on Civil Justice was established pursuant to the recommendation through a joint initiative of the Canadian Bar Association and the University of Alberta, Faculty of Law.

[1] See for example S. Hutchinson *et al.*, *Access to Civil Justice* (Toronto: Carswell, 1995); M. Buckley, "Overcoming Barriers: Toward Equal Access to Justice" at Law Week presented to the Canadian Bar Association Systems of Justice Task Force, 1996 (unpublished); R. D. Macdonald, *Legal Aid: Options for Prosperity for Civil Justice* (Toronto: Ontario Law Reform Commission, 1993) and the *Research Advisory of Health and Community Services* v. C. 44 (1999) 1 C.C.S. 56.

[2] L. Bell & D. Sullivan, *Intercultural Dispute Resolution in Aboriginal Contexts: Canadian and International Perspectives* (Vancouver: UBC Press, in press).

[illegible] [illegible] [illegible] [

submissions.[10] Other reform efforts limited their "public" consultation to meetings with, and submissions by, what might be characterized as the "legal professionals" such as lawyers, court administrators, legal aid providers, public legal educators, and native court workers.

Real changes have been minimal, with little demonstrable impact. A review committee of the Canadian Bar Association reported in 1998 that no trial court had established an advisory committee involving members of the public and that there was little work being done on court charters.[11] While useful information has been amassed in review processes, the limitations of their approaches are clear. Public consultations undertaken to date have not provided results that can be generalized as an expression of public views in Canada because the information was not collected from randomly selected, representative samples using standardized questions, was not otherwise controlled for potential bias, and was not scientifically analyzed. The lack of empirical research in the context of these large-scale reform initiatives is not compensated for by a pre-existing body of work in this area. One reviewer noted that, given "the limited range and scope of existing Canadian research, the conclusions that can be drawn about public perceptions are both modest and tentative".[12]

Concerns about communication between the courts and the public are not limited to Canada. In 1998, the Australian Institute of Judicial Administration produced a more comprehensive study than anything yet produced in Canada. Entitled *Courts and the Public*,[13] the study identified and elaborated the many faces of the public that interact with the courts, including litigants, government officials, witnesses, media, taxpayers, special-interest citizen groups, juries, researchers, lawyers (private, Crown, legal aid), police, victims and the general public. The report discussed the variety of courts and jurisdictions in which this interaction occurs. It described a number of ways being used to determine public needs, including periodic reviews and evaluations of services; consultations about proposed initiatives; feasibility studies; strategic and business planning processes; the appointment of portfolio officers such as media liaison officers or Aboriginal community liaison officers; working parties on perceived problems; staff training and professional development; and user surveys, user forums, and complaints mechanisms. The study observed that while much work was going on in Australian courts, there was no consistency throughout the system and "no reliable mechanism for identifying and sharing best practices," with the consequence that "many wheels, of different radius, are repeatedly reinvented."

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[10] The CBA also conducted a survey of individuals in community groups/organizations across Canada: *Report: Survey on Civil Justice Reform (Public Survey)* (Vancouver: Canadian Facts, 1996).
[11] *Systems of Civil Justice Implementation 1998* (Ottawa: Canadian Bar Association, 1998) at 27-28.
[12] S. Wein, "Public Perceptions of the Civil Justice System" in *Rethinking Civil Justice: Research Studies for the Civil Justice Review*, vol. 1 (Toronto: Ontario Law Reform Commission, 1996) 39 at 45.
[13] S. Parker, *Courts and the Public* (Carlton South: Australian Institute of Judicial Administration Incorporated, 1998) at 34.

> "An incipient culture of continuous improvement [. . .] evident in Australian courts [was] not matched by a culture of subsequent evaluation [. . .] The commitment to obtaining and learning from user feedback varies across courts and jurisdictions, both in its extent and depth. There is no evidence of routine seeking of user feedback, or even a mechanism for obtaining it."[16]

The report concluded with a number of recommendations for ongoing work by the courts to be shared through a mutual repository of data and clearinghouse of best practices.

In summary, efforts of governments and legal professionals to improve relationships between the civil justice system and the public and to create mechanisms for communication between the civil justice system and the public, while well-intentioned, have not been very effective. Little empirical research or comprehensive theoretically-grounded analysis has been conducted. There is a need for an integrated and informed approach to understanding problems, identifying best practices, and recommending social and legal changes, in order to improve the relationship between the civil justice system and the public.[17]

The Civil Justice System and the Public Research Project

In 1999, the Canadian Forum on Civil Justice initiated a project to study the state of communication between the public and the civil justice system with a view to finding ways to increase public involvement in the system. The study is particularly motivated by a desire to improve public participation in reforming the administration of civil justice in this country. The inquiry focuses on three basic questions:

- What is the current state of communication between the civil justice system and the public?
- How is that communication experienced by people within the system and by the public?
- What can be done to improve communication between the civil justice system and the public?

The specific objectives of this research program are

- to foster innovative research on the relationship between civil courts and the public, and on the development of mechanisms for better communication between civil courts and the public with a view to improving both the operation of the civil justice system and public confidence in the justice system;
- to bring together, for the first time, partners who share a concern for civil justice reform but have been separated by geography, jurisdiction and

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[16] *Ibid.* at 180.

[17] J.D. McCamus, "Civil Justice Reform: What Do We Know?" in J.M. Brisson & D. Greschner, eds. *Public Perceptions of the Administration of Justice* (Montreal: Les Editions Themis, 1995) 395.

discipline. Participants come from academia, the judiciary, the legal profession, court administration, community organizations, public legal education agencies and the public. They will acquire practical knowledge, share best practices and conduct research, and in so doing develop mechanisms to create continued links between these communities which will in turn facilitate ongoing consortium building and research;

- to enable undergraduate and graduate students to work collaboratively with community and academic partners so as to improve research skills and gain experience that will increase future job opportunities;
- to enrich university curricula and teaching through the development of educational resources in law, judicial administration and public administration; and
- to promote sharing of knowledge and expertise among members of the community involved in court administration, academics, court users and the general public and in so doing reinforce community decision-making and problem solving capacities.

This research project adopts the widely accepted belief that there are significant barriers to public access to the justice system. It is expected that improving the ability of the civil justice system to speak, hear, and respond to the public will improve public access to the system. It is a premise of this study that improved two-way communication between the public and the system will build and sustain public trust and lead to meaningful, sustainable, civil justice reforms.[16]

The Main Components of the Program

1. Literature review
   The research program began with a review and analysis of the literature on relationships between Canadian and similar civil justice systems and the publics they serve. A comprehensive annotated bibliography of published literature (including electronically published literature) from Canada, the United Kingdom, Australia and New Zealand, as well as a review of major American developments, has been prepared. However, a significant part of the Canadian literature is in the form of "grey" literature that is not formally published, not catalogued adequately or at all, and sometimes confidential or quasi-confidential in nature (such as internal reports of governments, courts, and professional agencies).[17] Collection of this latter material will continue throughout the project.

2. Alberta Study of the Civil Justice System and the Public
   In February 2000, the Canadian Forum on Civil Justice received funding from the Alberta Law Foundation to undertake a study of the state of communication

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[16] This issue is discussed in *Systems of Civil Justice Task*, *supra* note 4 at 17 and 19-20.
[17] In this respect the Canadian situation is much like the Australian. See Parker, *supra* note 12 at 4 and 54.

between the public and the civil justice system in Alberta and to develop practices to improve communication, with the particular goal of involving the public in civil justice reform. This provincial study provides a foundation for the development, implementation, and evaluation of the national study.

3. National Civil Justice System and the Public Study
In February 2001, the Minister of Industry for the Canadian government announced that the Canadian Forum on Civil Justice had been awarded a three-year $600,000 grant from the Social Sciences and Humanities Research Council (SSHRC). SSHRC is an independent federal government agency that funds university-based research and graduate training in the social sciences and humanities through national peer-reviewed competitions. In 1999 it introduced an innovative "Community - University Research Alliance" (CURA) program to promote research and social innovation by funding partnerships between universities and communities for the social, cultural and economic development of communities. The Forum received its grant as the lead organization of an alliance with researchers from the University of Alberta.

The starting point of this research will be a "snapshot" or series of snapshots of the state of communication between the civil justice system and the public as revealed through in-depth interviews of key informants. Special attention will be directed to identifying and investigating barriers to communication between Aboriginal Canadians and the civil justice system. This is a new and important area of research.

Increased awareness of the impact of cultural stress and pressure on Aboriginal communities has resulted in reforms that make the Canadian justice system more accountable to Aboriginal communities. However, work has focused on the area of criminal justice and, even then, limited attention has been paid to communication methods appropriate for the courts. Studies have not addressed the issues that arise in civil justice litigation that are unique to Aboriginal communities. These include matters relating to residential school claims, treaty entitlement claims, the political rights of resident and non-resident band members, housing disputes, the rights of band and non-band member residents on reserves, family violence, and division of property on marital breakdown. For these reasons, this study will incorporate a focus on the state of communication between Aboriginal Canadians and judges, lawyers and other legal professionals in the civil justice system. Aboriginal focus groups may be established to explore culturally appropriate use of advisory committees and court charters; to consider barriers generated by reliance on written documents and electronic media in communicating about civil justice procedures and reforms; and to identify strategies that facilitate more effective communication with, and access by, Aboriginal court users.

In the second stage of the project, researchers will identify best practices for ongoing communication between the courts and the public. After reviewing the current state of communication, demonstrations of particular methods of court/public communication in particular courts will be implemented. These demonstration projects will be evaluated and, based on these evaluations, the research team will make recommendations aimed at improving the ability of the civil justice system to communicate with the public. A number of methods will be used to disseminate the results of the research.

Scope of the Study

This research program is taking place within a law reform context that promotes a multi-option justice system. The civil courts are a central and fundamental feature of the justice system, but the system is broader than the courts themselves. The term "civil justice system" includes court-connected parts of the system outside the courts themselves, such as legal service providers or court-connected dispute resolution mechanisms.

Court-annexed alternate dispute resolution (ADR) has been promoted in Canada as a way of reducing costs, controlling court lists, and making courts more efficient. Provinces vary as to the type of cases for which mediation is mandated but most provinces and territories are introducing ADR in some form. Four Canadian jurisdictions have been particularly active in adopting ADR processes as alternatives or prerequisites to the court process.[18] In Ontario mandatory mediation is part of all civil non-family cases. It must occur within 90 days of the filing of the statement of defence unless a court order exempts the parties from mediation or extends the time for it. Mandatory mediation is also required in Prince Albert, Regina, Saskatoon, and Swift Current, and is available on a voluntary basis in other judicial centres in the province of Saskatchewan. Mediation is mandatory in Edmonton and Calgary, Alberta for Provincial Court (Small Claims)[19] and Judicial Dispute Resolution and mini-trials are built into the civil justice process at the level of the Court of Queen's Bench. Mediation is not mandatory in British Columbia but can be invoked by any party in a personal injury claim arising from a motor vehicle accident and for residential construction claims. Throughout the country, services to families often include parent education sessions dealing with matters such as the impact of divorce

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[18] See D. Lowe, "What's Old is New Again: Aboriginal Dispute Resolution in the Civil Justice System" in C. Bell & D. Kahane, eds, *Intercultural Dispute Resolution in Aboriginal Contexts: Canadian and International Perspectives* (Vancouver: UBC Press, in press).

[19] J.B. Chadwick J., "What's New in Alternate Dispute Resolution and the Courts," paper presented at the Canadian Bar Association National Meeting, 1999; G. Harris & J. Fenske, "It's Here? - Court Connected Mediation - The Civil Claims Mediation Pilot Project - Edmonton," paper presented at the Canadian Bar Association National Meeting Canadian Bar Association, 1999 [unpublished] ;R. Hewitt Q.C., "What's New in Alternate Dispute Resolution and the Courts," paper presented at the Canadian Bar Association National Meeeting, 1999 [unpublished]; and J. McHale, "Dispute Resolution Initiatives in British Columbia" paper presented at the Canadian Bar Associaiton National meeting, 1999 [unpublished].

and separation on children, communication skills, dispute resolution skills, and legal issues. Separation education programs are sometimes available for couples that do not have children.

Where these innovative ADR activities form part of the services offered by the court, they will be encompassed by this study. However, being centred on civil courts, the study will not deal with the enormous number of civil claims and issues that are resolved outside of the court system, through claims before administrative boards and tribunals or through private alternative dispute resolution.

Methodology

Qualitative and quantitative social research methods will be used for this research. A grounded theory approach to development of knowledge will be taken.[20] In keeping with this theoretical orientation, knowledge about the nature of the communication between the courts and the public will emerge from the data acquired through fieldwork interviews, observations, and content analysis of documents. Data analyses will be systematic and begin as soon as data becomes available, guiding further data collection and interpretation of findings.

To understand the relationships and to identify solutions or best practices in communication between the civil justice system and the public, researchers will

- conduct and analyze interviews with judges, court personnel, public legal education agencies, community service agencies, and members of the public;
- survey current practices, and establish criteria for evaluating best practices;
- hold discussion forums with members of the public who relate to the court in varied roles, for example, as litigants, witnesses, media, taxpayers, and members of disadvantaged and minority groups; and
- undertake demonstration projects in selected courts, and conduct evaluations of these projects.

To share information and best practices, the project will

- develop a system for the ongoing sharing of best practices, such as a manual of best practices that sets out mechanisms for communication between the civil justice system and the public;
- share knowledge and acquire further knowledge through public meetings, symposia and workshops, and via the web-sites, newsletters and other publications of the partners;

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[20] A. Strauss & J. Corbin, *Basics of Qualitative Research: Grounded Theory Procedures and Techniques* (Newbury Park: Sage Publications, Inc, 1990) and A. Strauss & J. Corbin, "Grounded Theory Methodology: An Overview" in N.K. Denzin & S.L. Y, eds, *Handbook of Qualitative Research* (Thousand Oaks: Sage Publications, Inc., 1994).

- communicate with academic and professional communities by means of published reports, articles in peer-reviewed journals, and papers presented at academic, judicial and legal conferences. Educational materials dealing with the court/public relationship will also be developed for use in a number of college, university and professional contexts, for example, within courses on judicial administration, law school courses on civil procedure, or training programs for the judiciary, court administrators and court staff.

Selecting Research Participants

Research will focus on the experiences of three key groups.

1. Persons Working within the Civil Justice System
   At each research location a number of individuals working within the courts and related agencies and services will be interviewed to get detailed information on the current state of communication, as seen from the perspectives of persons within the system. This will provide the information necessary to explore public awareness of and experience with communication methods that are currently in place.

2. Members of the public who are currently using the Civil Justice System
   The primary focus of the research is the public as the principal consumers and beneficiaries of the civil justice system. It is to be expected, especially given the general lack of public understanding of the civil justice system,[21] that many members of the public, including many court users, will have little experience with and few opinions about the state of communication between the civil justice system and the public.[22] Researchers expect to learn the most about the public's views from individuals with recent and relevant experience, with an interest in the issues, and with the ability to articulate their experiences and concerns.

   The public comes into contact with the courts in the context of a number of roles or functions – as litigants involved in various types of cases, jurors, or witnesses, to name a few. The public can be further differentiated by attributes or characteristics – as women, Aboriginal people, disabled people, the poor, and people for whom English is not their first language. These segments of the public may have different needs, experiences with, and expectations of the civil justice system.

   Qualitative research methods will be used to obtain purposive samples of the

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[21] *Systems of Civil Justice, supra* note 4 at 16-17 and 53-55.

[22] S. Wain, "Public Perceptions of the Civil Justice System" in *Rethinking Civil Justice: Research Studies for the Civil Justice Review*, vol. 1 (Toronto: Ontario Law Reform Commission, 1996) 39 at 41-42.

public and to study their experiences and concerns relating to the state of communication between the civil justice system and the public. Researchers will interview litigants (both represented and self-represented) involved in various types of civil cases (e.g., family, commercial and personal injury cases) at various stages of litigation (e.g., after filing a claim or defence, after a hearing, or after filing judgment). Researchers will also identify and include within the study people who come into contact with the system in other capacities, such as jurors and witnesses.

3. Members of the public who are not currently using the Civil Justice System
Although the primary focus of the study will be on users of the civil justice system, concern about public communication and about involving the public in civil justice reform extends to all Canadians. Researchers will therefore also seek to conduct surveys of the general public in partnership with the Canadian Centre for Justice Statistics, a branch of Statistics Canada.

Context of the Research

This program of research is being carried out in the context of the complex Canadian civil justice system. Generally, in each province and territory, civil cases can be heard by a limited jurisdiction court, a superior court, and an appellate court. Some provinces also have specialized family or probate courts. The organization of courts also varies. In some provinces (Prince Edward Island, Ontario, Manitoba and New Brunswick), the provincial courts do not hear civil cases; in others there are additional civil courts (such as the Divisional Court in Ontario, an intermediate appeal court, and the municipal courts in Quebec). There are also three federal courts: the Supreme Court of Canada, the Federal Court of Canada (which includes trial and appellate divisions) and the Tax Court of Canada. While this listing alone illustrates great complexity, it must also be kept in mind that most of these courts have a number of permanent and circuit locations. For example, in 1997 in British Columbia, there were 32 locations for the superior court and 95 locations for the provincial court. In Quebec, there were 42 permanent and five circuit locations for the superior court and 58 permanent and 28 circuit locations for the provincial court. In Ontario, there were 49 locations for the superior court and 79 locations for the Ontario Court of Justice, a provincial court. A count of the permanent and circuit locations of civil courts as detailed in *Profile of Courts in Canada 1997* by the Canadian Centre for Justice Statistics,[23] indicates that there are more than one thousand such locations.

Courts will be approached much as the public would, at the level of particular courts at particular locations. Given the number of courts and locations, it will be necessary to purposively select representative research sites. Because of the enormous complexity of the system itself, the selection of particular sites for the study will be

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[23] Canadian Centre for Justice Statistics, *Profile of Courts in Canada 1997* (Ottawa: Statistics Canada, 1998).

critical in achieving reliable and valid information. These sites should include appellate, superior, and limited jurisdiction courts, as well as courts of specialized subject jurisdiction (e.g. family). They should include both rural and urban locations, as well as geographically represent the regions of Canada (Atlantic, Quebec, Ontario, the Prairies, British Columbia, and the northern territories). It is reasonable to expect that public experiences will vary depending on the size of the court they come into contact with, so the research sites should also represent the varied sizes of Canadian courts, as measured by, for example, the number of resident judges, and the number of cases filed and heard. Further, as the research objective includes increasing the involvement of the public in civil justice reform, the research sites should also represent both courts that have been active in promoting a reform agenda and those that have not.

The cooperation of the courts will be essential to the success of the study so this will also be a necessary consideration in the selection of research sites. The selection of sites will thus involve initial communication with appropriate judges and court administrators to obtain necessary information, to describe the research, to provide assurances of professional and ethical standards and confidentiality in the conduct of the research, and to seek their consent and undertakings to cooperate. The project is well placed to approach appropriate individuals and to secure consent and cooperation through the Canadian Forum on Civil Justice and the research partners, particularly the Association of Canadian Court Administrators, the Canadian Institute for the Administration of Justice, the Canadian Judicial Council, and the Canadian Association of Provincial Court Judges. In fact, the project team has already been assured access to all levels of the courts in Alberta and to provincial courts throughout Canada due to the assistance of the Canadian Association of Provincial Court Judges.

Interview Questions

This research will seek answers to the following broad questions:

1. The first group of questions pertains to the existing methods of communication being employed by the courts as viewed from the perspective of persons working within the civil justice system.[24] For each court in each area, information will be gathered on both one-way communication methods (e.g., brochures, information booths) and two-way communication methods (e.g., complaints procedures, user forums, feedback evaluations and user surveys) that are in use. Information pertaining to the first group of research questions will be collected by means of the interviews conducted with court personnel, public legal education agencies, community legal service agencies, and legal professionals.

2. The second group of questions will address public awareness of and experiences

[24] See Appendix A for the Interview Protocol for Members of the Civil Justice System.

with existing methods of communication.[27] These questions will be asked of purposively selected samples of various public groups who have come into contact with the civil justice system. Members of various public groups will be interviewed in person or by telephone, in accordance with an interview protocol developed to protect the rights of human subjects participating in the study. Potential participants will be made aware of the nature of the study and its purpose, that they have the right to decline to participate, and that information collected will be kept confidential and anonymous.

3. The third group of questions goes to the heart of the research project. What "best practices" currently exist with respect to communication between the civil justice system and the public and what practical, relevant information can be provided to stakeholder groups so as to improve the effectiveness of communication between the civil justice system and the public?

Theoretical Challenges

Key to benefiting from the diversity of participants in this study is the recognition that research directors, advisors, and consultants, and the public derive their insights with respect to the challenge of improving the relationship between the courts and the public from widely differing theoretical perspectives and practical experiences. But, as Parker acknowledged in his study, the whole area of the relationship between courts and the public is incompletely theorized.[28] To better recognize, explain, and account for the variety of insights anticipated, this research project will pursue theoretical as well as empirical issues.

Teasing out the theoretical bases of beliefs about the courts, the public, the current problems with the civil justice system, and alternative ways of addressing those problems is a complex and on-going process. The Civil Justice System and the Public research program has taken as a given that the public experiences barriers in accessing the courts, that the courts require reform, that the public should be involved in that reform, and that communication between the public and the courts will have to improve for that to happen. These underlying assumptions have become the starting points for identifying theoretical frameworks and issues germane to the project. To date the following areas for exploration have been identified:

- understandings about the nature of law and its place in a liberal democracy, including the predominant positivist notion of law and its preferencing of the role of specially trained legal experts over that of the public, the role of courts, the nature and importance of judicial independence, rights discourse, and critical and post-modern understandings about the law;
- understandings about the publics served by the civil justice system,

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[27] See Appendix B for the Interview Protocol for Members of the Public.

[28] S. Parker, *supra* note 12 at 5.

including legal professionals, litigants, users of court services, and citizens;[17]

- understandings about the ways of knowing and the nature of communication, including theories about legitimization, adult education, learning processes, learning organizations, self-efficacy, knowledge management, and public legal education; and
- understandings about effecting change, including organizational and social change.

Work on identifying and exploring theoretical issues will continue throughout the research program.

Demonstration Projects

In the second stage of the project, mechanisms will be developed by which communication between the Canadian civil justice system and the public could be improved, particularly in determining public needs and expectations, and in developing and evaluating reforms. These projects will be conducted within courts selected for representativeness, accessibility, and cooperativeness.

Communication of Research Results

Throughout the project knowledge will be acquired and shared through public meetings, symposia and workshops, and via the web-sites, newsletters and other publications of the Canadian Forum on Civil Justice and partners. A manual of best practices pertaining to public communication will be developed for use by the courts and others involved in the civil justice system and civil justice reform. Partners in the field of public legal education will be extensively involved in disseminating information about the study to their constituencies, to participants in focus groups and case studies, to educators, and to the public in general. Information will be disseminated within the academic and professional community by means of published reports, articles in peer-reviewed journals, and papers presented at academic, judicial, and legal conferences. Educational resources will be developed dealing with the relationship between the civil justice system and the public that can be employed in a number of college, university and professional contexts. For example, educational materials could be used in courses on judicial administration, law school courses, or training programs for the judiciary, court administrators, and court staff. In addition, partners such as the Association of Canadian Court Administrators, the Canadian Institute for the Administration of Justice, and the Canadian Bar Association will assist in the dissemination of results to their members.

The Community - University Research Alliance

One of the unique features of this research program is that it brings together for the first time representatives from such a diverse assortment of stakeholders and the public. The SSHRC Community - University Research Alliance (CURA) through

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[17] Professor Parker's work on this topic is particularly relevant. *Ibid.* at 12-16.

which this study was funded is itself a pilot program. The CURA program promotes research and social innovation by funding vital, creative partnerships between universities and communities to work for the social, cultural, and economic development of communities. SSHRC provides funding to enable these alliances to combine forces to tackle issues they have identified as being of common, priority concern. Through a process of ongoing collaboration and mutual learning, the alliance will:

- foster innovative research, training and the advancement of knowledge in areas of importance for the social, cultural or economic development of communities;
- promote sharing of knowledge, resources and expertise between universities and organizations in the community;
- enrich research, teaching methods and curricula in universities and reinforce community decision-making and problem-solving capacity; and
- enhance students' education and employability through diverse opportunities to build their knowledge, expertise and work force skills through hands-on research and related experience.

To facilitate the sharing of best practices and the latest information on over-all progress and specific results between CURAs, SSHRC plans to establish a national network linking its members through a Web site, to organize a national conference and workshops, and to promote broader information exchange through other similar initiatives at the international level.

In meeting the CURA collaboration requirements, the Canadian Forum on Civil Justice[3] and three research directors from the Faculties of Law, Extension and Rehabilitation Medicine at the University of Alberta attracted seventeen partners from across Canada in academia,[4] the judiciary, the legal profession, court administration, public legal education agencies, and community organizations to this project.[5]

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[3] The project is being coordinated by the Executive Director of the Canadian Forum on Civil Justice.

[4] Academic research advisors include Carl Baar, Ph.D. (Political Science) who will act as a Senior Research Consultant to the project. Professor Baar is one of the world's leading scholars in judicial administration. He is recently retired from the Department of Politics, Brock University. Professor Allan Tupper, Ph.D.(Political Science), Faculty of Law, University of Alberta will also act as a consultative role throughout the project. Professor Catherine Bell, LL.M., Faculty of Law, University of Alberta who recently completed a SSHRC funded study of the Metis Settlements Appeal Tribunal of Alberta will work with Chris Andersen of the School of Native Studies on aspects of the research project dealing with Aboriginal court users and communities. Chris Andersen, B.A., M.A. (Queens) is a Ph.D. candidate with expertise in the area of "Metis identities and the Courts," criminology, social research methods and Aboriginal issues. Associate Professor Marie Ivany, Ph.D. (Social Organization) Faculty of Extension, University of Alberta, will advise in the area of communication. Assistant Professor Teresa Ross, Ph.D. (Business Management) also of the Faculty of Extension will advise on successful collaboration processes and on the research design and interviewing processes.

[5] See Appendix C for non-university research partners.

It is worth noting that Canada is particularly well served by a network of agencies that have as their central purpose the education of Canadians about their legal system. Every province and territory has at least one such agency and these organizations are themselves affiliated through the Public Legal Education Association of Canada. Between them, these agencies have experience in working with a cross-section of Canadians in a variety of settings using a host of techniques and the full range of media.[1] The work of these groups will be particularly important in determining what resources are currently available to assist Canadians victimized by civil justice system and in developing projects to demonstrate new communication strategies.

Through this project, partners will share their experiences, learn from each other, and forge new relationships, creating a lasting benefit through new understanding and improved communication about our civil justice system. While they share a common concern for improving the civil justice system, never before have academia, the judiciary, the legal profession, court administration, public legal education agencies, community organizations, and the public worked together in Canada. Managing these relationships will be a key aspect of the research project.

The interaction of the partners will not only advance the work that has been done in Canada beyond its current institutional limitations through the sharing of practical and conceptual expertise and skills, but will ensure that recommendations are effectively implemented. The strength of the diverse partnership will provide the legitimacy, access and support that is essential to permit the conduct of empirical research and demonstration projects within the Canadian civil justice system, and will enhance the potential for implementation of the results of this study. The linkages forged in this alliance will continue beyond the conduct of this proposal and ultimately will transform the civil justice system itself in to a new kind of institution that is both independent and responsive to the public it serves.

The overall direction of the research program rests with the three research directors and the Executive Director of the Canadian Civil Justice Forum. To ensure that the program benefits from the comprehensive expertise of all of the partners, an Advisory Committee composed of the directors and representatives of each of the academic units and community partners will be responsible for ensuring communication, feedback, and advice from within their respective sectors.

- The research partners will provide advice and assistance regarding research design and methodology, development of demonstration projects, recruitment of appropriate research assistants and staff and will file interpretation, validation and communication of research results.
- The academic partners will advise on the theoretical basis and technical

[1] See L. Gander, *The Role of Provincial Legal Education Associations* (LL. M., University of Alberta, 1999) [unpublished] for an account of the efforts of public legal education associations to [illegible] the interests of consumers of public legal education services.

[illegible] aspects of the research and evaluation of the demonstration projects.

- The public legal education partners will assist in identifying appropriate research questions, locating participants for focus groups, conducting focus groups or applying survey instruments, and developing demonstration projects.
- The courts and legal professionals will assist in identifying appropriate research questions, in providing access to the courts and court records, and in facilitating demonstration projects.
- The Aboriginal and other community organizations will assist in identifying appropriate research questions, providing access to their constituencies and developing demonstration projects.

Advisors, consultants and individuals will also be consulted and involved in the development, implementation and evaluation of the research, including demonstration projects, within their respective areas of interest and expertise.

Administrative services are the Board of the Canadian Forum on Civil Justice and the University of Alberta. Financial services include the Alberta Law Foundation, the University of Alberta, and the Social Sciences and Humanities Research Council. Administrative support is provided by the Canadian Forum on Civil Justice.

The begin is effort and engagement of the partners. The research team involved in participants in prospective partners asking them to address such issues as their beliefs and views, their objectives in joining the study, the resources they could contribute, the roles they might like to play, who from their organization could be involved, what level of access or cooperation they might expect, and how best to communicate with them.[1] Responses to this survey suggest that a second purpose is understanding the commitment that were being asked to make and have provided the research team with an initial inventory of assistance available across the country, and a list of concerns that will need to be addressed as the research proceeds.

Conclusions

As a result of its collaborative nature, the Civil Justice System and the Public research program will be multifaceted, multi-disciplinary, and comparative. It possesses the potential to enhance mutual learning and to expand the body of knowledge and research in a context in which pressing social concerns for confidence, access, understanding of the interacting social and legal forces. The multidisciplinary research will as a new standard for practical and theoretical research about the relationship between the civil justice system and the public, contributing to the development of this most fundamental social institution. In doing so, it will also

[1] The questions were based on a checklist published by the Social Sciences and Humanities Research Council, Guidelines for Building Research Partnerships. The list questionnaire is contained in Appendix A.

contribute to the advancement of research undertaken collaboratively by universities and communities.

APPENDIX E

Appendix E

SERVING CANADIANS

Making Choices

An Access to Justice Policy Model

Why do we need an Access to Justice Policy Model?

- To provide a framework for program decision-making
- To provide context for a new PLEI vision

Access to Justice is not a “thing” to be defined.
It is, rather, a principle to be achieved.

Why do we need an Access to Justice Policy Model?

(Cont'd)

- PLEI and other justice-related programs, whether within or outside the Department of Justice, are Access to Justice Tools.

- They exist to serve a higher purpose. It is, therefore, impossible to arrive at a vision for how those tools will be used without a discussion of the higher purpose.

- In the case of PLEI specifically, that higher purpose is Access to Justice.

Access to Justice – A Principle

- The Department of Justice has struggled, as have others, to arrive at a "definition" of Access to Justice. None have been satisfactory. The reason is that while Access to Justice *appears* to speak to process ("Access"), it in fact speaks to ideology ("Justice"). No definition will ever be sufficiently encompassing so as to meet the needs of all viewpoints and contexts.

- In view of the above and for the purposes of an Access to Justice Policy Model, attempts to define Access to Justice have been abandoned in favour of an Access to Justice "principle". If we are in agreement about what we are trying to achieve, then the term used to promote a common understanding of our objectives is of secondary importance.

The Principle

- The principle of Access to Justice encompasses the quality of an individual's participation in the justice system (successful interaction), the desirable traits of the system itself (accessible, transparent and equitable) and the means by which participation will achieve the qualitative standard (legal information and services).

- "Successful interaction" does not mean "winning". Any interaction between a person and the system is "successful" if the person has the knowledge and assistance they need to understand and participate fully in the justice system process within which they are interacting.

The Principle

Canadians will receive the legal information and services they require to successfully interact with, and within, an accessible, transparent and equitable justice system.

Making Choices

To achieve this principle of access to justice, attention and resources must be channeled to individuals and communities who experience greater vulnerability to justice system exclusion.

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All Canadians

General Public: issue specific needs

Family Violence, Victims, Crime Prevention

Specific barriers and challenges

Native Canadians, disabled persons, elderly people, new Canadians, minority languages

Specific Economic Challenges

self-represented, and

the working poor

Most Economically Disadvantaged

Legal Aid Realm

Access to Justice

Access to Justice: Hierarchy of Vulnerability

Canada

Making choices, and how those choices are made, comprise the policy component of the Access to Justice Policy Model. *(Cont'd)*

- If the latter is undertaken, then a rational process, or framework, for decision-making is required to most appropriately allocate resources (that will, nevertheless, always be insufficient, always too scarce).

- The policy adopted in this model is that where resources are available and decisions have to be made between competing, worthwhile access to justice activities, the resources will, generally, be applied where the need is determined to be the greatest on the basis of vulnerability to justice system exclusion.

Making choices, and how those choices are made, comprise the policy component of the Access to Justice Policy Model.

- There will never be enough resources to achieve in a perfect sense "Access to Justice". Resources are dedicated to the achievement of the principle by all levels of government and many non-government organizations. These resources have been applied to achieve specific objectives and for the most part are doing so.

- Resources can be sought and obtained for Access to Justice purposes in two ways. The first is to begin with a specific objective and to seek resources for specific activities to achieve the specific objective (Crime Prevention, Youth Justice, Victims, etc.). The second way is to seek and obtain resources to help achieve the broad principle (access to justice), and then allocate those resources to the activities which best support the attainment of the principle (as is currently used within the Partnerships and Innovation Fund).

Access to Justice: Hierarchy of Vulnerability

- If we are making choices on the allocation of resources based on vulnerability to justice system exclusion, then some means of assessing vulnerability is required.

- The model proposes that a "hierarchy of vulnerability" be established.

- It is very important to note that the hierarchy of vulnerability used here in the presentation of the model is for illustrative purposes only. When the model is applied in a decision-making process, a hierarchy of vulnerability will be established in the context of particular needs. While in this example society is looked at as a whole in creating a hierarchy of vulnerability, in another case we may be looking only at a subset of the whole, for example, the disabled. In that case, a hierarchy of vulnerability could be constructed for the disabled community itself on the basis of its access to justice needs.

Access to Justice: Hierarchy of Vulnerability (Cont'd)

In this example, and looking at access to justice needs at the broadest level, a hierarchy has been proposed with the most economically disadvantaged at the centre. For definitional purposes we can call this the Legal Aid realm – those who would qualify on the basis of income for Legal Aid services. Moving outward, we have those with specific economic challenges and who have significant difficulties accessing the justice system. Farther still, we have a large number of groups and communities with specific challenges followed by the general populous who have specific needs, and then all Canadians.

The model should not be viewed as being rigid or static. Lines will often become blurred and individuals and groups may appear in more than one category of vulnerability. What is important is that vulnerability be considered with thought given to the relative weight of the vulnerability in accessing justice in a particular context.

S E R V I N G C A N A D I A N S

All Canadians

General Public: issue specific needs

Specific barriers and challenges

Specific Economic Challenges

Most Economically Disadvantaged

Access to Justice

Civil law representation

Civil and criminal law representation

Legal representation & appropriate legal information and services

Access to Justice: Gaps

Access to Justice: Needs

- In the example model we consider one particular need – legal representation. Depending on the scope of the "need" being examined, it might at times be necessary to adjust the hierarchy of vulnerability to be either more or less inclusive to more accurately establish vulnerability.

SERVING CANADIANS

All Canadians

General Public: issue specific needs

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Legal representation

Access to Justice

Access to Justice: Needs

Access to Justice: Gaps

- From the need we move to an analysis of gaps. Within the access to justice realm, the study of how the justice system is meeting a particular need is far reaching, extending to all levels of government, organisations and individuals.

- In the example, gaps are considered in the context of the need, legal representation.

- With respect to the most inner circle, we see that there is generally no gap with respect to legal representation in criminal cases as the system does provide this service in certain circumstances. However, a gap is evident with respect to civil law representation.

Access to Justice: Gaps (Cont'd)

- In the 2nd circle from the centre a gap is evident in both criminal and civil proceedings, as no eligibility to legal aid exists.

- In the 3rd circle we see that there exists a gap with regard to appropriate legal representation to match the specific legal representation needs of particular groups.

- In the final 2 circles we see no gaps, as there is an assumption that people who are not within the inner circles could fund legal representation from their own resources.

All Canadians

General Public: issue specific needs

Specific barriers and challenges

Specific Economic Challenges

Most Economically Disadvantaged

Access to Justice

**Legal Aid, PLEI,
Native Courtworker**

PLEI, Native Courtworker

PLEI, Native Courtworker

Access to Justice: Tools

Access to Justice: Tools

- Following a determination of the gaps in the Access to Justice realm is a consideration of the Access to Justice tools available to fill the gaps.

- In this example, only the program tools available for consideration and use by the federal department of Justice are considered. In the inner and second circle, we see that the Department of Justice has program tools available to help meet the needs and gaps that have been determined. In the third circle, we have two choices. As no gaps were evident in the outer circles, no tools are enumerated.

Access to Justice: Tools (Cont'd)

- Of course, where gaps are evident and no tools are available to meet the specified need, the policy decision might be to create a new tool (program or program component).

- A key feature of the model is that **Department of Justice Programs are considered to be Access to Justice Tools**.

- It is especially important to note at this point in the model that PLEI is considered to be an access to justice tool, working along side other tools and operating within a sphere of options and choices to achieve access to justice objectives.

All Canadians

General Public: issue specific needs

Specific barriers and challenges

Specific Economic Challenges

Most Economically Disadvantaged

Focused legal information and delivery mechanisms

Training intermediaries, providing criminal and civil law resources

Criminal legal information as a resource; civil law information

Access to Justice

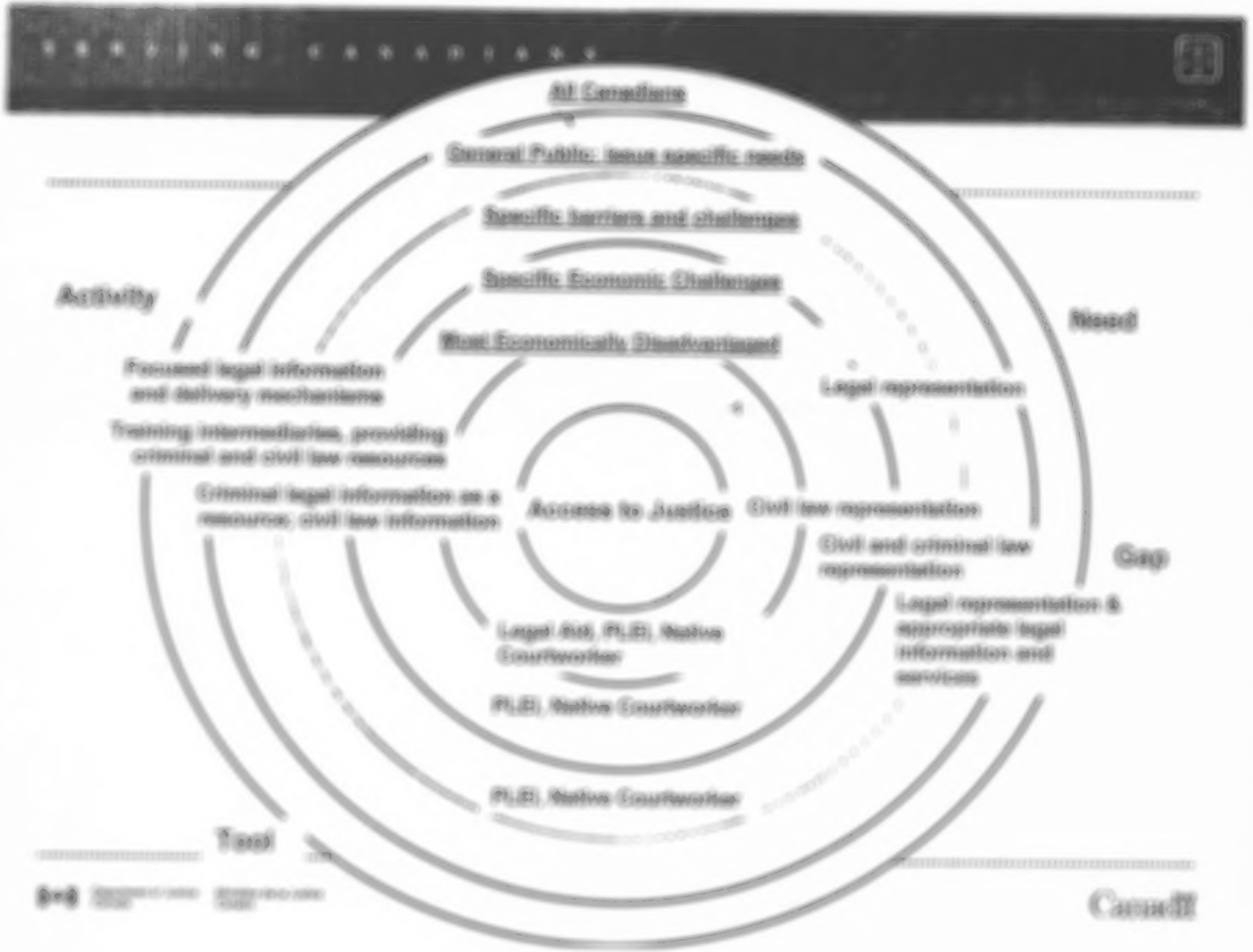
Access to Justice: Activities

Access to Justice: Activities

- Finally in this model, following the selection of the appropriate tool to fulfil the identified gaps in relation to needs, we have the selection of the appropriate activities.

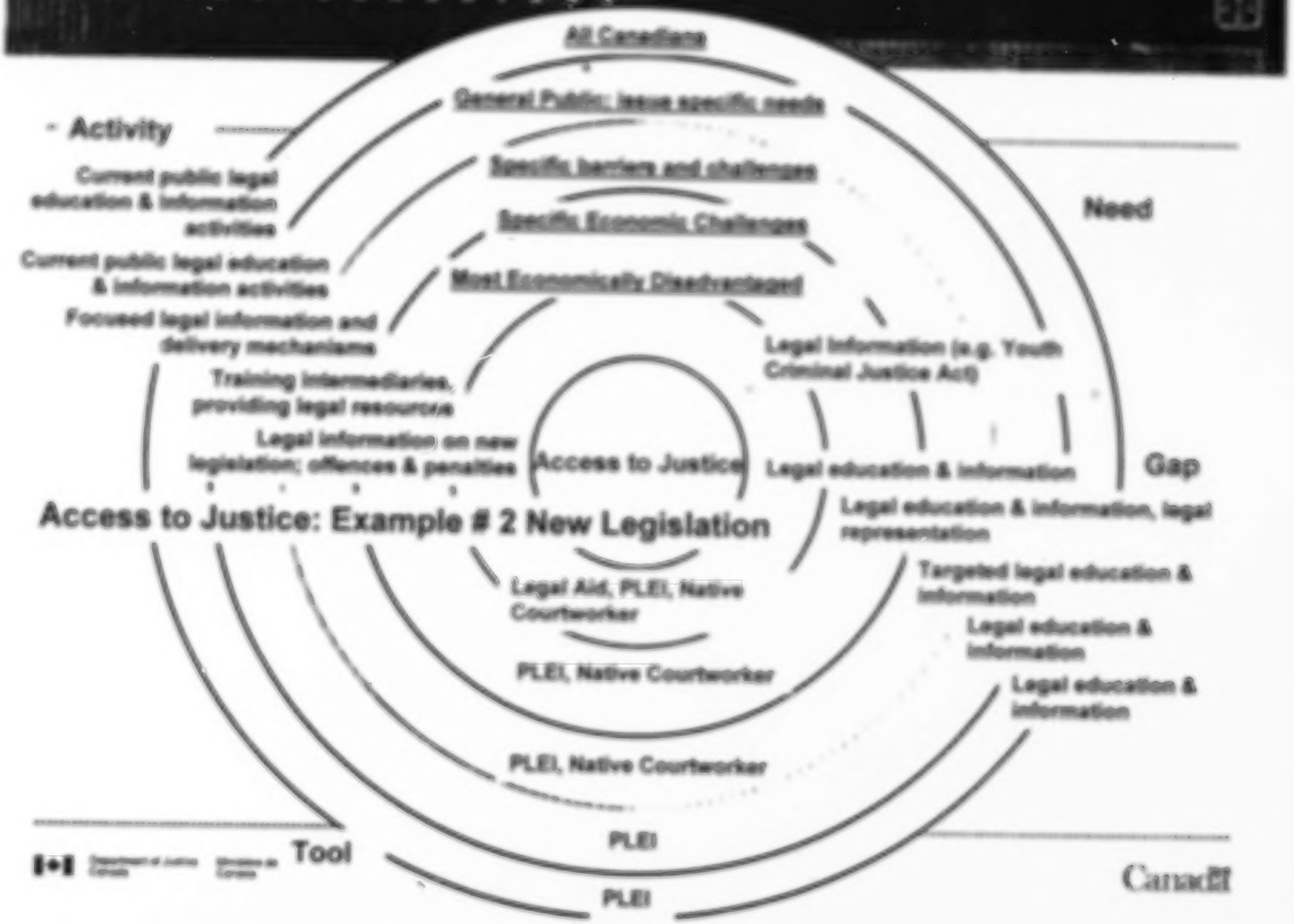
- In this example, PLEI was seen as the appropriate tool, and activities selected for the best use of the tool in the context of the need and gaps.

- Coming full circle, the choice of activities and the allocation of resources will be made with consideration of the hierarchy of vulnerability. Activities will be undertaken and resources applied where the vulnerability to justice system exclusion is greatest.


All Canadians
General Public: issue specific needs
Specific barriers and challenges
Specific Economic Challenges
Most Economically Disadvantaged
Activity
Need
Focussed legal information and delivery mechanisms
Training intermediaries, providing criminal and civil law resources
Criminal legal information as a resource; civil law information
Access to Justice
Legal representation
Civil law representation
Civil and criminal law representation
Gap
Legal representation & appropriate legal information and services
Legal Aid, PLE, Native Courtworker
PLE, Native Courtworker
PLE, Native Courtworker
Need

The model

- The completed model shows in clockwise direction the flow from the hierarchy of vulnerability to need, to gap, to tool, to activity, with choices being made in the final analysis reverting back to the hierarchy of vulnerability.


All Canadians
General Public: issue specific needs
Specific barriers and challenges
Specific Economic Challenges
Most Economically Disadvantaged
Activity
Need
Current public legal education & information activities
Current public legal education & information activities
Focused legal information and delivery mechanisms
Training intermediaries, providing legal resources
Legal information on new legislation; offences & penalties
Legal Information (e.g. Youth Criminal Justice Act)
Access to Justice
Legal education & information
Gap
Access to Justice: Example # 2 New Legislation
Legal education & information, legal representation
Legal Aid, PLEI, Native Courtworker
Targeted legal education & information
Legal education & information
PLEI, Native Courtworker
Legal education & information
PLEI, Native Courtworker
PLEI
Tool
PLEI

Another Example:

- In the second example, which is complete, we use the example of a need being legal information on the *Youth Criminal Justice Act.*
- We see that the gaps are identified according the hierarchy of vulnerability. There is then a consideration of the available tools, the selection of PLEI as the appropriate one, and the determination of activities to fulfil the need.
- In the actual decision-making process, resources are first allocated where the vulnerability to justice system exclusion is greatest according to our established hierarchy of vulnerability.

Key Points

- *Access to Justice is a principle, not a "thing" to be defined.*
- The model is a *framework for decision-making*. The model shows how choices for resource allocation should be made, when they have to be made.
- *Justice programs are access to justice tools*. Programs cannot be viewed in isolation. Programs must be viewed in the context of other available tools.
- The model should not be viewed nor applied *rigidly*. With a myriad of variables, the model will, and should, change with use.
- The model is founded on the policy decision that, *generally*, resources will be allocated where vulnerability to justice system exclusion is greatest. It must always be kept in mind that all levels of vulnerability will have to be considered and resources applied to achieve the principle of access to justice.